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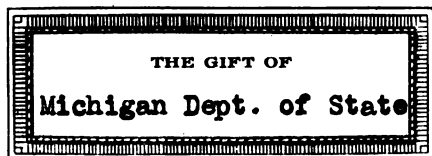
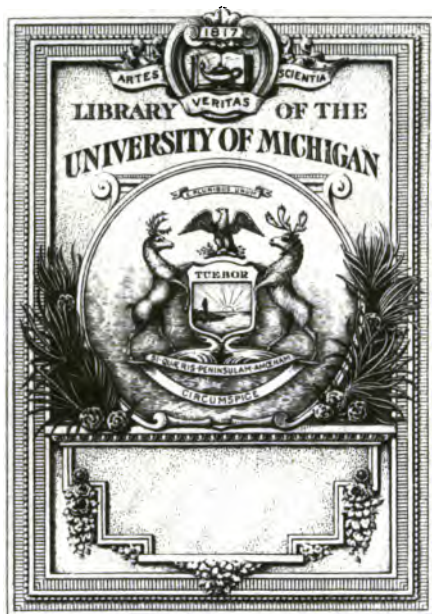
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**NON
CIRCULATING**

JOURNAL
OF -
THE SENATE
OF THE
STATE OF MICHIGAN

FIRST EXTRA SESSION

February 26 to March 20, 1912

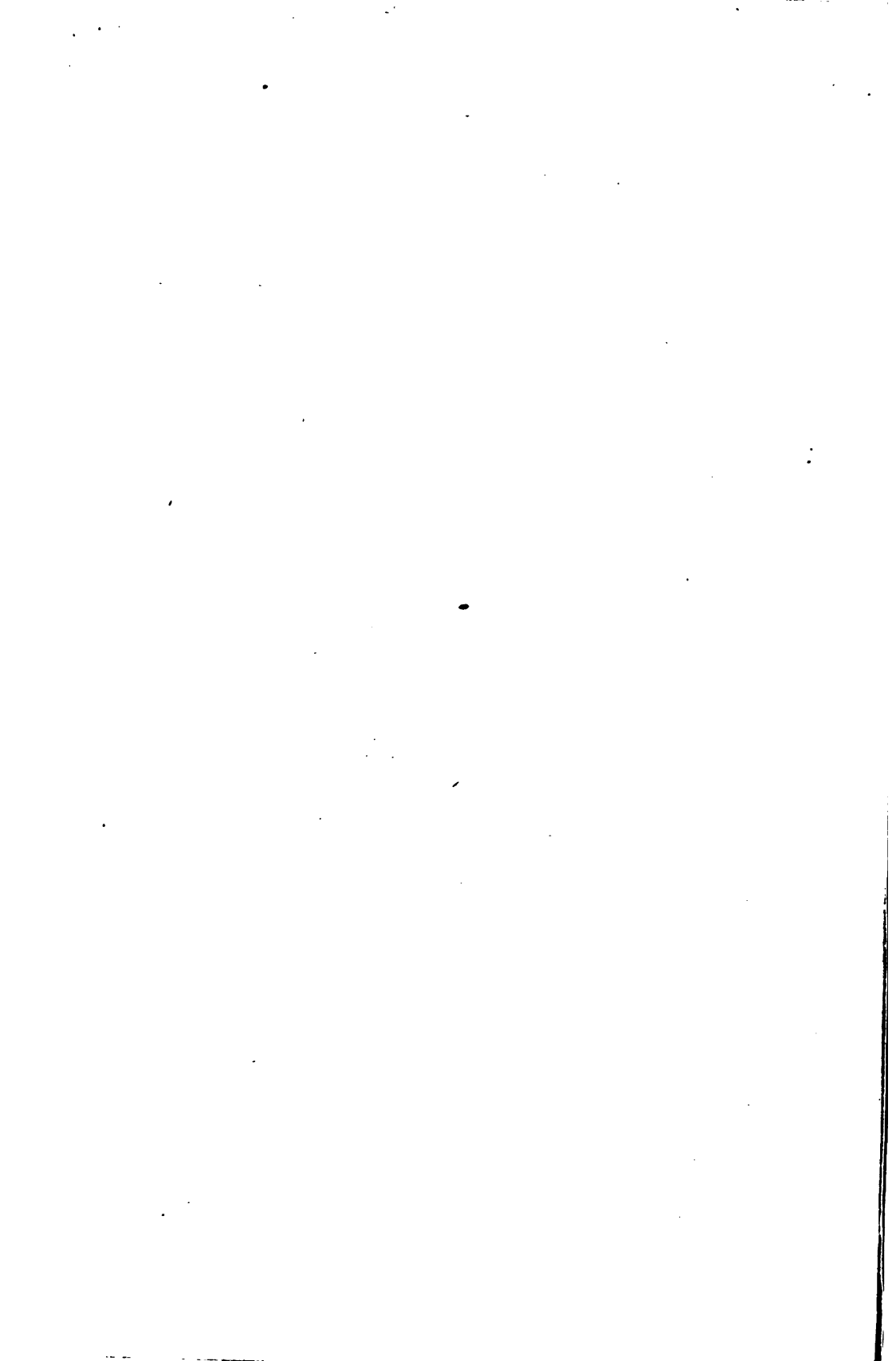
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ELBERT V. CHILSON
Secretary of the Senate



BY AUTHORITY

LANSING, MICHIGAN
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1912



MICHIGAN Journal of the Senate

SPECIAL SESSION OF 1912.

FIRST DAY.

Lansing, Monday, February 26, 1912.

Pursuant to a proclamation issued by the Governor, Hon. Chase S. Osborn, convening the Legislature in extraordinary session, the Senate convened in the Senate chamber at 12 o'clock noon and was called to order by Honorable John Q. Ross, Lieutenant Governor and President of the Senate.

Religious exercises were conducted by Rev. Horace Cady Wilson, of Lansing.

The roll of the Senate was called by the Secretary.

The following Senators were present: Messrs. Barnaby, Bradley, Cartier, Collins, Conley, Freeman, James, Kingman, Kline, Lee, Leidlein, Mapes, Miller, Moriarty, Murtha, Newton, Putney, Rosenkrans, G. G. Scott, Snell, Walter, Ward, Watkins, Weter, White, Wiggins.—26.

The following Senators were absent without leave: Messrs. Foster, Fowle, F. D. Scott, Taylor, Vanderwerp and Vaughan—6.

Mr. Cartier asked and obtained leave of absence for Mr. Frank D. Scott from the sessions of today and tomorrow, on account of a death in his family.

Mr. Moriarty asked and obtained leave of absence for Mr. Fowle from all the sessions of the Senate up to and including March 5.

Mr. White moved that the other absentees be excused from today's session.

The motion prevailed.

The proclamation, convening the Legislature in extraordinary session, communicated to the Senate by the Secretary of State, was read by the Secretary of the Senate, and is as follows:

To Elbert V. Chilson,
Secretary of the Senate.

I, Frederick C. Martindale, Secretary of State of the State of Michigan and custodian of the Great Seal of the State, hereby certify that the attached is a true and correct transcript of a proclamation issued by the Governor convening an extra session of the Legislature, the original of which is on file in this office.

In witness whereof, I have hereto affixed my signature and the Great Seal of the State, at Lansing, this thirteenth day of February, in the year of our Lord, nineteen hundred twelve.

FREDERICK C. MARTINDALE,
Secretary of State.

State of Michigan
EXECUTIVE OFFICE
Lansing

PROCLAMATION.

To All Whom It May Concern—Greeting:

This is an era in this country during which government by the people is becoming a reality. The tendency is to have the governmental function exercised on the part of the people as directly as possible. This is in obedience to much of the best thought that is applied to the solution of problems involved by the science of government. It is equally the result of a demand on the part of the people that their action shall not be subject to embarrassing or harassing scrutiny and that the rights of those who are living in subordinate capacity shall not be trespassed upon or in any manner endangered or selfishly directed by those in positions of strength and influence over them and about them. Any condition that makes for unfair competition in exercising the rights of citizenship causes both oppression and suppression.

If this nation and this state, under God, are to be perpetuated as lands of liberty where worthy humanity of all the world shall find asylum and the insurance of equal rights, there must be provided the fullest and fairest means of expression of those rights. This is necessary if these rights are to exist at all and to be in any sense meaningful. A state of mind that relies upon all the people for the defense of our country in time of war; that is willing to sacrifice the lives of our citizens without regard to number or value in the service of the country, and in peace withholds from all or any citizens their most sacred privileges, or trammels them with difficulty in their use, is intolerable.

Because of the growing appreciation of this sentiment the legislature in Michigan and legislatures in other states have improved and are still improving methods of election. In Michigan at this moment there exist an extraordinary condition and occasion which have never been paralleled. Thousands of voters in both of the great political parties, and many in parties of less magnitude as well, demand an opportunity to vote directly upon presidential candidates. If this, which is their

right, is withheld at this time there can be no exercise of it for four more years, even if obtained by legislatures in regular session during that time. No candidate and no party should wish to obtain a privilege through a minority.

Believing fully that it is the right of the citizens of Michigan, irrespective of political affiliations, to immediately have a presidential preference primary law, I have decided to convene the legislature in special session.

Acting under the authority of Section 7, Article 6, of the Constitution of the State of Michigan, I hereby call the legislature of the State of Michigan to meet in extraordinary session on Monday, the 26th day of February, A. D. 1912, at twelve o'clock noon, for the purpose of enacting a presidential preference primary law and for the consideration of such other matters as shall be submitted by special message.

[SEAL] Given under my hand and the Great Seal of the State at the Capitol, in Lansing this thirteenth day of February, in the year of our Lord one thousand nine hundred and twelve, and of the independence of the United States, the one hundred and thirty-sixth.

CHASE S. OSBORN,

Governor.

By the Governor,
FREDERICK C. MARTINDALE,
Secretary of State.

By unanimous consent the Senate took up the order of

MOTIONS AND RESOLUTIONS.

Mr. Moriarty offered the following resolution:
Senate resolution No. 1.

Resolved, That the President be and he is hereby authorized to appoint a committee of three Senators to wait upon His Excellency, the Governor, and inform him that the Senate is now in session and ready to receive any communication he may desire to make.

The resolution was adopted.

The president announced as such committee, Messrs. Moriarty, Rosenkrans and Weter.

Mr. Barnaby offered the following resolution:
Senate resolution No. 2.

Resolved, That the President be and he is hereby authorized to appoint a committee of three Senators to wait upon the House of Representatives and inform that body that the Senate is now in session and ready to proceed with business.

The resolution was adopted.

The President announced as such committee, Messrs. Barnaby, Collins and Miller.

Mr. White offered the following resolution:

Senate resolution No. 3.

Whereas, It is contended that the five day requirement relative to the introduction of bills, as contained in Sec. 22, Art. V of the Constitution, does not apply to special sessions of the Legislature, and that the framers of the Constitution placed the word "regular" in this section that there might be a distinction between regular and special sessions, and in view of this contention, which is likely to be brought to the attention of the Senate in an official way, it is deemed advisable to have laid before the Senate at the earliest possible moment the opinion of the State's legal department; therefore be it

Resolved, That the Secretary be, and he is hereby directed to request of the Attorney General an opinion as to the construction of Section 22 Article V of the State Constitution, which reads as follows:

"Sec. 22. No bill shall be passed, or become a law, at any regular session of the Legislature until it has been printed and in the possession of each house for at least five days," etc.

The resolution was adopted.

Mr. Rosenkrans offered the following resolution:

Senate resolution No. 4.

Resolved, That the daily sessions of the Senate commence at 2 o'clock p. m.

The resolution was adopted.

Mr. Cartier offered the following resolution:

Senate resolution No. 5.

Resolved, That the Secretary of the Senate be and he is hereby directed to draw orders for mileage in accordance with the schedule for the payment of mileage for the regular session of 1911, with such changes and additions as may be necessary to meet the requirements of the special session.

The resolution was adopted.

Mr. Weter offered the following resolution:

Senate resolution No. 6.

Whereas, Since the regular session of the Senate death has removed the venerable Jonathan A. Sprague, for several sessions Legislative Postmaster; therefore be it

Resolved, By the Senate (the House of Representatives concurring), That Erwin A. Cady, of Port Huron, be named as the choice of the Legislature for the position of Legislative Postmaster for the special session.

The resolution was adopted.

The President announced that the Senate would proceed to the election of a Legislative Postmaster.

The roll of the Senate was then called and the Senators voted as follows:

Legislative Postmaster,

For Erwin A. Cady.

Mr. Barnaby	Mr. Kingman	Mr. Murtha	Mr. Walter
Bradley	Kline	Newton	Ward
Cartier	Lee	Putney	Watkins
Collins	Leidlein	Rosenkrans	Weter
Conley	Mapes	Scott, G. G.	White
Freeman	Miller	Snell	Wiggins
James	Moriarty		

26

The President announced that Erwin A. Cady having received a majority of all the votes of the Senators-elect, was duly elected Legislative Postmaster.

The Secretary announced the appointment of Samuel F. Cook, as an Assistant Secretary for the special session, in place of Clarence B. Smith, who is unable to be present.

Mr. Cook appeared at the President's desk, took and subscribed the constitutional oath of office and entered on his duties.

The committee appointed by the President to inform the Governor that the Senate had completed its organization, and was ready to receive any communication that he desired to make, reported that the Governor would communicate with the Senate at the joint convention to be held at an hour yet to be agreed upon.

The report was accepted and the committee discharged.

The committee appointed by the President to inform the House that the Senate had completed its organization and was ready for the transaction of business, reported that it had performed the duty assigned to it.

The report was accepted and the committee discharged.

The Sergeant-at-Arms announced a committee from the House who informed the Senate that the House was organized and ready to proceed with business.

Mr. Snell moved that the Senate take a recess until 2:15 o'clock p. m. The motion prevailed, the time being 12:30 o'clock p. m.

AFTER RECESS.

2:15 o'clock p. m.

The Senate was called to order by the President.

A quorum of the Senate was present.

Messrs. Foster and Taylor entered the Senate Chamber and took their seats.

The Senate took up the order of

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
February 26, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit to the Senate the following concurrent resolution:

House Resolution No. 7.

Resolved, by the House (the Senate concurring), That the two houses of the Legislature meet in joint convention today, February 26, at 2:15 o'clock p. m. to receive the message of the Governor.

Which has been adopted by the House, and in which the concurrence of the Senate is respectfully asked.

Very respectfully,

CHARLES S. PIERCE,

Clerk of the House of Representatives.

The question being on concurring in the adoption of the resolution,
The resolution was adopted.

The President announced that the hour had arrived for the meeting of the two houses in joint convention to receive the message of the Governor.

The Senate then proceeded to the hall of the House of Representatives to meet the House in joint convention.

(For proceedings in joint convention see House Journal.)

The Senate returned to the Senate Chamber, the time being 3 o'clock p. m., and was called to order by the President.

The President announced that the Senate had met the House in joint convention and had received the message of the Governor.

The Senate resumed the order of

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
February 26, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit to the Senate the following concurrent resolution:

House resolution No. 6.

Resolved, by the House (the Senate concurring), That the Clerk of the House and the Secretary of the Senate be instructed to mail copies of the daily journal to such persons as received them during the regular session of the Legislature, according to the several mailing lists furnished by the members thereof, subject to such changes and correction as may be desirable; and that the amount of postage on such copies of said journals so sent out shall be paid by the State Treasurer on the warrant of the Auditor General on the presentation of bills duly certified by the Clerk of the House or the Secretary of the Senate, showing that such stamps have been purchased and used only for the payment of postage in mailing copies of the Journal hereby ordered to be distributed.

Which has been adopted by the House, and in which the concurrence of the Senate is respectfully asked.

Very respectfully,

CHARLES S. PIERCE,
Clerk of the House of Representatives.

The question being on concurring in the adoption of the resolution,
The resolution was adopted.

By unanimous consent the Senate returned to the order of

MOTIONS AND RESOLUTIONS.

Mr. Miller offered the following resolution :

Senate Resolution No. 7.

Resolved by the Senate, That a respectful message be sent to the Governor requesting him to submit to the Senate all evidence in his possession relative to the existence of a demand for a Presidential Preference Primary Act, and for the giving of immediate effect thereto.

The resolution was adopted.

Mr. Miller offered the following resolution :

Senate resolution No. 8.

Whereas, The ratio of representation in the National House of Representatives is approximately one Representative to 212,000 population, and under said ratio Michigan is entitled to thirteen Representatives; and

Whereas, The State of Michigan is now divided into only twelve congressional districts, with populations as follows:

District.	Population.
First	354,731.
Second	215,090.
Third	202,842.
Fourth	195,382.
Fifth	237,996.
Sixth	313,310.
Seventh	192,269.
Eighth	180,578.
Ninth	173,650.
Tenth	208,574.
Eleventh	210,123.
Twelfth	325,628.

and

Whereas, Great disparity in population now exists between the said several districts and without a new division of the State into congressional districts one representative must be elected at large; now, therefore, be it

Resolved, By the Senate (the House of Representatives concurring), that it is for the public interest that the congressional districts in the State of Michigan be rearranged; and be it further

Resolved, That a respectful message be sent to the Governor requesting that the subject of the rearrangement of the said congressional districts be submitted to the special session of the State Legislature now sitting.

The question being on the adoption of the resolution,

Mr. Miller moved that the resolution be laid on the table.

The motion prevailed.

Mr. James offered the following resolution:

Senate Resolution No. 9.

Resolved, That the Attorney General be requested to furnish the

Senate, at his earliest convenience, with his opinion on the constitutionality of giving a Presidential Preference Act immediate effect.

The question being on the adoption of the resolution,

Mr. Miller offered the following substitute:

Senate Resolution No. 9.

Resolved, That the Attorney General be and he is hereby requested to transmit to the Senate an opinion on the following point:

Is the Legislature the sole judge of its powers with reference to giving immediate effect to acts passed by it?

And for a citation of all authorities bearing upon the construction of Art. V, Sec. 21, so far as it relates to said question.

The question being on the adoption of the substitute,

The substitute was adopted.

The resolution as substituted was then adopted.

Mr. Taylor offered the following resolution:

Senate resolution No. 10.

Whereas, Rev. Jonathan A. Sprague, for three terms Legislative Postmaster, departed this life on January 27, 1912, at the beginning of his eightieth year; therefore be it

Resolved, By the Senate (the House of Representatives concurring), That we shall miss the pleasant associations which we recall in connection with his legislative service, including the acting many times as the Chaplain of our sessions, and that we extend to his family our sincere sympathy in the loss of one who lived a long, honorable and useful life.

The resolution was unanimously adopted.

INTRODUCTION OF BILLS.

Mr. Lee introduced

Senate bill No. 1, entitled

A bill to provide for the expression of the popular will for the nomination of a President and Vice-President of the United States; the election of delegates to national party conventions, and to provide for the preparation of ballots therefor.

The bill was read a first and second time by its title, ordered printed, and referred to the Committee on Elections.

Mr. Lee moved that 1,000 extra copies of the above entitled bill be printed for the use of the committee.

The motion prevailed.

Mr. Mapes introduced

Senate bill No. 2, entitled

A bill to provide a method whereby the enrolled voters of each political party may express their choice for delegates to a national convention called for the purpose of nominating a candidate for President of the United States; to provide for the election of candidates for party presidential electors, making an appropriation for paying the expenses in-

curred in carrying out the provisions of this act, and to provide a tax to meet the same.

The bill was read a first and second time by its title, ordered printed, and referred to the Committee on Elections.

Mr. Mapes moved that 1,000 extra copies of the above entitled bill be printed for the use of the committee.

The motion prevailed.

Mr. Moriarty moved that the Senate adjourn.

The motion prevailed.

The President declared the Senate adjourned until tomorrow at 2 o'clock p. m.

ELBERT V. CHILSON,
Secretary of the Senate.

SECOND DAY.

Lansing, Tuesday, February 27, 1912.

2 o'clock p. m.

The Senate met pursuant to adjournment and was called to order by the President.

The roll of the Senate was called by the Secretary.

The following Senators were present:

Messrs. Barnaby, Bradley, Cartier, Collins, Conley, Foster, Freeman, James, Kingman, Kline, Lee, Leidlien, Mapes, Miller, Moriarty, Murtha, Newton, Putney, Rosenkrans, G. G. Scott, Snell, Taylor, Vanderwerp, Vaughan, Walter, Ward, Watkins, Weter, White, Wiggins—30.

The following Senators were absent with leave: Messrs. Fowle and F. D. Scott—2.

COMMUNICATIONS FROM STATE OFFICERS.

State of Michigan
OFFICE OF ATTORNEY GENERAL.

Lansing, February 27, 1912.

Mr. E. V. Ohlson, Secretary of the Senate, Lansing:

Dear Sir:—I have your communication of February 26, submitting a copy of the resolution offered by Senator White, directing you to request my opinion relative to the provisions of Section 22 of Article V of the Constitution. The question presented is whether the requirement therein that no bill shall be passed or become a law until it has been printed and in the possession of each house for at least five days applies to a special session of the Legislature.

The section of the Constitution in question reads as follows:

“No bill shall be passed or become a law at any regular session of the Legislature until it has been printed and in the possession of each house for at least five days. No bill shall be passed at a special session of the legislature on any other subjects than those expressly stated in the governor's proclamation or submitted by special message. No bill shall be altered or amended on its passage through either house so as to change its original purpose.”

The foregoing language is susceptible of but one meaning. It is ap-

parent that the requirement that the bills shall be printed and in the possession of each house for at least five days is expressly limited to "any regular session of the Legislature." The section reads precisely as intended by the framers of the Constitution. Any doubt which might exist in regard to the meaning of the language used is dispelled by an examination of the Constitutional Debates. The proposal as originally introduced applied to both regular and special sessions of the Legislature. It is obvious that the section of the Constitution in its present form was substituted for the original proposal for the express purpose of limiting the five day requirement to regular sessions of the Legislature. The Constitutional Debates indicate that the five day requirement in the original proposal was included for the purpose of keeping the public advised in regard to matters coming before the Legislature at a regular session and that due publicity be given all proposed legislation; while in the case of a special session no matter is usually submitted other than that included in the call of the Governor, in calling the Legislature in extraordinary session or at least included in a special message, thereby giving to such measures as are proposed even greater publicity than that generally afforded to bills introduced during the regular session.

It is therefore my opinion that bills introduced during the special session need not be printed and be in the possession of each house for at least five days prior to their passage, under authority of the Constitution.

Very respectfully,

FRANZ C. KUHN,

Attorney General.

MOTIONS AND RESOLUTIONS.

Mr. Murtha offered the following resolution:

Senate resolution No. 11.

Resolved, That C. M. Dudd, of Lansing, be and is hereby appointed a stenographer for the special session.

The resolution was adopted.

Mr. Geo. G. Scott offered the following resolution:

Senate resolution No. 12.

Resolved, That all matters stated, or remarks made in debate upon the floor of the Senate, or in Committee of the Whole, during the special session, shall be deemed matters of privilege and shall be printed in full in the daily Journal of the Senate.

The Secretary of the Senate is hereby directed to make the necessary arrangements to secure the necessary stenographic assistance to carry into effect the provisions of this resolution.

The question being on the adoption of the resolution,

Mr. Moriarty moved that the resolution be laid on the table.

The motion prevailed.

Mr. Moriarty offered the following resolution:

Senate resolution No. 13.

Resolved, That Miss Lucetta Harbour, of Lansing, be and is hereby appointed Senate Stenographer for the special session to succeed Miss Bertha Smith, who is unable to attend.

The question being on the adoption of the resolution,

Mr. White moved that the resolution be laid on the table.

The motion prevailed.

Mr. White moved that the rules of the last regular session be adopted as the rules of this special session.

The motion prevailed.

Mr. Moriarty moved that a respectful message be sent to the Governor, asking the return to the Senate of the following resolution:

Senate resolution No. 7.

Resolved by the Senate, That a respectful message be sent to the Governor requesting him to submit to the Senate all evidence in his possession relative to the existence of a demand for a Presidential Preference Primary Act, and for the giving of immediate effect thereto.

Upon which motion he demanded the yeas and nays.

The motion then prevailed, a majority of the Senators present voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Murtha	Mr. Vaughan
Bradley	Kingman	Newton	Walter
Cartier	Kline	Putney	Ward
Collins	Leidlein	Rosenkrans	Watkins
Conley	Mapes	Scott, G. G.	Weter
Foster	Miller	Snell	White
Freeman	Moriarty	Vanderwerp	Wiggins

28

NAYS.

Mr. Lee Mr. Taylor

2

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
February 27, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit to the Senate the following concurrent resolution:

House resolution No. 11.

Resolved by the House (the Senate concurring), That Samuel B. Mullen of Newaygo be and is hereby designated as Assistant Postmaster

of the Legislature for the special session of 1912 to fill the vacancy caused by the resignation of Fred H. Meyer.

Which has been adopted by the House, and in which the concurrence of the Senate is respectfully asked.

Very respectfully

CHARLES S. PIERCE,
Clerk of the House of Representatives.

The question being on concurring in the adoption of the resolution,
The resolution was adopted, a majority of the Senators present voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. Kingman	Mr. Newton	Mr. Vaughan	
Bradley	Kline	Putney	Walter	
Cartier	Lee	Rosenkrans	Ward	
Collins	Leidlein	Scott, G. G.	Watkins	
Conley	Mapes	Snell	Weter	
Foster	Miller	Taylor	White	
Freeman	Moriarty	Vanderwerp	Wiggins	
James	Murtha			30

NAYS.

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INTRODUCTION OF BILLS.

Messrs. Moriarty and James introduced
Senate bill No. 3, entitled

A bill to promote the general health and welfare of the people of this State, relating to the liability of employers for injuries or death sustained by their employes, providing compensation for the accidental injury to or death of employes and methods for the payment of the same, including the incorporation of mutual associations to insure the payments of such compensation, establishing an Industrial Accident Board, defining its powers, providing for a review of its awards, making an appropriation to carry out the provisions of this act, and restricting the right to compensation or damages in such cases, to such as are provided by this act.

The bill was read a first and second time by its title, ordered printed, and referred to the Committee on Judiciary.

Mr. Moriarty moved that 1,000 extra copies of the above entitled bill be printed for the use of the committee.

The motion prevailed.

Mr. Kingman moved that the Senate adjourn.

The motion prevailed.

The President declared the Senate adjourned until tomorrow at 2 o'clock p. m.

ELBERT V. CHILSON,
Secretary of the Senate.

THIRD DAY.

Lansing, Wednesday, February 28, 1912.

2 o'clock p. m.

The Senate met pursuant to adjournment and was called to order by the President.

The roll of the Senate was called by the Secretary.

The following Senators were present:

Messrs. Barnaby, Bradley, Cartier, Collins, Conley, Foster, Freeman, James, Kingman, Kline, Lee, Leidlein, Mapes, Miller, Moriarty, Murtha, Newton, Putney, Rosenkrans, F. D. Scott, Vanderwerp, Walter, Ward, Watkins, Weter, White, Wiggins—27.

The following Senator was absent with leave: Mr. Fowle—1.

The following Senators were absent without leave: Messrs. G. G. Scott, Snell, Taylor and Vaughan—4.

Mr. White asked and obtained leave of absence for Messrs. Taylor and Vaughan from today's session.

Mr. Weter asked and obtained leave of absence for Mr. Geo. G. Scott from today's session.

Mr. Murtha asked and obtained leave of absence for Mr. Snell from today's session.

Messrs. Foster, Kline and Leidlein asked and obtained leaves of absence for themselves from the sessions of the Senate until Tuesday March 5.

Mr. Watkins asked and obtained leave of absence for himself from tomorrow's session.

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was received and read:

State of Michigan, Executive Office,
Lansing, February 27, 1912.

To the President of the Senate,

Sir:—I herewith beg to submit an urgent communication from the

Mayor and Secretary of the Board of Commerce of Charlevoix for your consideration. If you are disposed to take action in this matter it will be necessary to do so at once in order that telegraphic communication may be effective.

Very respectfully,
CHASE S. OSBORN,
Governor.

The following is the communication above referred to:

Charlevoix, Michigan, February 25, 1912.

Hon. Chase S. Osborn, Governor, Lansing, Mich.

My dear Governor:—I have just received notification as Mayor, that the Secretary of War will hear an application February 28, at 10:30 a. m., from the Chicago Sanitary District for the diversion of ten thousand second feet of water from Lake Michigan.

This is, I believe, practically doubling the present flow of water. Every port in Michigan will be injured by the granting of such a request. Every fruit farm in Northern Michigan will be jeopardized, and the future development of the country hindered and perhaps permanently estopped, for it is well known that the climatic influence of the lakes will be lessened to an appreciable extent by changing the natural flow of the warm currents of water.

Cannot you lay this before the Legislature and have an emphatic protest registered in the name of the entire state?

Hoping you will give this your usual energetic and effective attention, I am with sincere regards,

Very truly yours,
WILL E. HAMPTON,
Mayor and Sec. Board of Commerce.

The message with the accompanying communication, was received and ordered spread upon the Journal.

Mr. Walter, by unanimous consent, offered the following resolution: Senate resolution No. 4.

Whereas, Application has been made to the Secretary of War for the diversion of ten thousand cubic feet of water per second into the Chicago canal; and

Whereas, This will practically double the present flow of water from Lake Michigan through the canal, and not only endanger our harbors, but be a grave manace to our fruit industry, which though it has reached such proportions, is as yet only in its infancy; and

Whereas, A hearing on said application has been fixed by the Secretary of War to be held before him in his office in the War Department at Washington on Wednesday, February 28th; therefore be it

Resolved by the Senate of the State of Michigan, That on behalf of the people of this state we desire to enter a vigorous protest against the granting of such application by the sanitary district of Chicago; and be it further

Resolved, That the Secretary of the Senate be instructed to wire this protest to the Secretary of War, the United States Senators, and Congressmen from Michigan.

The resolution was adopted.

COMMUNICATIONS FROM STATE OFFICERS.

State of Michigan
OFFICE OF ATTORNEY GENERAL.

Lansing, February 27, 1912.

Mr. E. V. Chilson, Secretary of the Senate, Lansing:

Dear Sir:—I am in receipt of your communication of February 26th, advising me of the adoption by the Senate of the following resolution:

“Resolved, That the Attorney General be, and he is hereby requested to transmit to the Senate an opinion on the following point:

Is the Legislature the sole judge of its powers with reference to giving immediate effect to acts passed by it?

And for a citation of all authorities bearing upon the construction of Art. V, Sec. 21, so far as it relates to said question.”

In reply to the request of the Senate I have the honor to submit the following:

Section 21, Article V of the Constitution of the State of Michigan provides in part that:

“No act shall take effect or be in force until the expiration of ninety days from the end of the session at which the same is passed, except that the legislature may give immediate effect to acts making appropriations and acts immediately necessary for the preservation of the public peace, health or safety by a two-thirds vote of the members elected to each house.”

There has been no construction of this provision of the Constitution by the supreme court of this state. Courts of other states having similar clauses in their constitutions have, however, passed upon the question involved, and have determined the effect of such clauses upon the power of the legislature to give immediate effect to legislative enactments.

The constitution of the State of Oregon, section 28, Art. IV, provides that:

“No act shall take effect until ninety days from the end of the session at which the same shall have been passed, except in case

of emergency; which emergency shall be declared in the preamble or in body of the law."

which provision was modified by amendment so as to exclude from the power to declare an emergency "all laws except those necessary for the immediate preservation of the public peace, health or safety."

In construing these clauses of the constitution the supreme court of Oregon has held that the legislature having declared an act necessary for the immediate preservation of the public peace, health or safety, such declaration is conclusive on the courts and is not subject to review by them.

Kadderly v. City of Portland, 44 Ore. 118, 74 Pac. 710, 720,
Bennet Trust Co. v. Sengstacken, (Ore.) 113 Pac. 863, 866,
Biggs v. McBride, 17 Ore. 640, 21 Pac. 878, 880.

The case of Kadderly v. City of Portland involved an act for the incorporation of the City of Portland; Bennet Trust Co. v. Sengstacken involved an act providing for the incorporation of ports in counties bordering upon bays or rivers; and Biggs v. McBride involved an act amending the existing law on the subject of railroad commissioners, increasing the board to three persons, making provision for choosing the commissioners, etc.

In holding that the determination of the legislature as to the existence of the emergency is final and is conclusive upon the courts, the supreme court of Oregon in Kadderly v. City of Portland says, in part:

"Section 28, Art. IV of the constitution, giving the legislative assembly power to put any law into force upon approval by declaring an emergency, has been modified by the amendment of 1902, so as to exclude from the power to declare an emergency all laws except those necessary for the immediate preservation of the public peace, health or safety. So far, all are agreed. But the vital question is, what tribunal is to determine whether a law does or does not fall under this classification? Are the judgment and findings of the legislative assembly conclusive, or are they subject to review by the courts? The inquiry is much simplified by bearing in mind that the exception in the constitutional amendment is not confined to such laws as the legislative assembly may legally enact by virtue of the police powers of the state, or to those alone that may affect the public peace, health, or safety. The police power is limited to the imposition of restraints and burdens on persons and property, in order to secure the general comfort, health, and prosperity of the state. Tiedeman, Lim. Pol. Powers, Sec. 1. But the language of the constitutional amendment is broader, and includes all laws, of whatsoever kind, necessary for the immediate preservation of the public peace, health, or safety, whether they impose restraints on persons and property, or come strictly within the police

powers, or not. The laws excepted from the operation of the amendment do not depend alone upon their character, but upon the necessity for their enactment in order to accomplish certain purposes. As to such laws, the amendment of 1902 does not in any way abridge or restrict the power of the Legislature, which, by the insertion of a proper emergency clause, may unquestionably cause them to go into effect upon approval by the Governor. As the Legislature may exercise this power when a measure is in fact necessary for the purposes stated, and as the amendment does not declare what shall be deemed laws of the character indicated, who is to decide whether a specific act may or may not be necessary for the purpose? Most unquestionably, those who make the laws are required, in the process of their enactment, to pass upon all questions of expediency and necessity connected therewith, and must therefore determine whether a given law is necessary for the preservation of the public peace, health and safety. It has always been the rule, and is now everywhere understood, that the judgment of the legislative and executive departments as to the wisdom, expediency, or necessity of any given law is conclusive on the courts, and cannot be reviewed or called in question by them. It is the duty of the courts, after a law has been enacted, to determine in a proper proceeding whether it conflicts with the fundamental law, and to construe and interpret it so as to ascertain the rights of the parties litigant. The powers of the courts do not extend to the mere question of expediency or necessity, but, as said by Mr. Justice Brewer, 'they are wrought out and fought out in the Legislature and before the people. Here the single question is one of power. We make no laws. We change no constitutions. We inaugurate no policy. When the Legislature enacts a law, the only question which we can decide is whether the limitations of the Constitution have been infringed upon.' Prohibitory Am. Cas., 24 Kan. 700, 706. The amendment excepts such laws as may be necessary for a certain purpose. The existence of such necessity is therefore a question of fact, and the authority to determine such fact must rest somewhere. The Constitution does not confer it upon any tribunal. It must therefore necessarily reside with that department of the government which is called upon to exercise the power. It is a question of which the Legislature alone must be the judge, and, when it decides the fact to exist, its action is final. *Biggs v. McBride*, 17 Ore. 640, 21 Pac. 878, 5 L. R. A. 115; *Umatilla Irrigation Co. v. Barnhart*, 22 Ore. 389, 30 Pac. 37; *Gentile v. State*, 29 Ind. 409; *Wheeler v. Chubbuck*, 16 Ill. 361; *Sutherland*, St. Const. 108. In this view we are supported by the Supreme Court of South Dakota. In 1898 an amendment to the Constitution of that state was adopted by the people; similar in many respects to the amendment now under consideration; and so far as the laws exempted from its operation are concerned, the language of the two amendments is identical. In *State ex rel. v. Bacon*, 14 S. D. 394, 404, 85 N.

W. 225, the court say in referring to this amendment: 'It will be observed that the law of 1901 which we are considering not only declares that an emergency exists, but also that the "provision is necessary for the immediate preservation and support of the existing public institutions of this state." It seems to have been uniformly held under Constitutions containing an emergency clause, and providing that laws containing such a clause shall take effect as therein directed, that the action of the Legislature in inserting such a clause is conclusive upon the courts. (Citing cases.) No reason occurs to us why the same rule should not apply to the act in question. The Legislature having declared that the provisions of that act are necessary for the immediate preservation and support of the existing public institutions of the state, that declaration is conclusive upon this court, and brings this class clearly within the exception contained in section 1 (as amended) of Article III of the Constitution.'

But, it is argued, what remedy will the people have if the Legislature, either intentionally or through mistake, declares falsely or erroneously that a given law is necessary for the purposes stated? The obvious answer is that the power has been vested in that body, and its decision can no more be questioned or reviewed than the decision of the highest court in a case over which it has jurisdiction. Nor should it be supposed that the Legislature will disregard its duty, or fail to observe the mandates of the Constitution. The courts have no more right to distrust the Legislature than it has to distrust the courts. The Constitution has wisely divided the government into three separate and distinct departments, and has provided that no person charged with official duties under one of these departments shall exercise any of the functions of another, except as in the Constitution expressly provided. Const. Art. 3, paragraph 1. It is true that power of any kind may be abused when in unworthy hands. That, however, would not be a sufficient reason for one co-ordinate branch of the government to assign for attempting to limit the power and authority of another department. If either of the departments, in the exercise of the powers vested in it, should exercise them erroneously or wrongfully, the remedy is with the people, and must be found, as said by Mr. Justice Strahan in *Biggs v. McBride*, supra, in the ballot box.

We are of the opinion, therefore, that the findings and declarations of the Legislature that the act of 1903 for the incorporation of the city of Portland was necessary for the immediate preservation of the public peace, health, and safety are conclusive on the courts, and consequently the charter was not subject to the referendum power, and was in force and effect from and after its approval."

The constitutions of Oklahoma and South Dakota contain clauses relative to measures "immediately necessary for the public health, peace

and safety," almost identical with those of the Oregon and Michigan constitutions, and the courts of both of these states have held that under such provisions the action of the legislature in inserting an emergency clause is conclusive upon the courts.

State v. Bacon, 14 S. D. 394, 85 N. W. 605, 608,
Oklahoma City v. Shields (Okla.) 100 Pac. 559, 574,
In re Menefee (Okla.) 97 Pac. 1014, 1018.

The case of State v. Bacon involved an act relating to the appointment of a board of charities and corrections and to define its duties and powers. The court in passing upon the power of the legislature to declare an emergency, says:

"It seems to have been uniformly held under the constitutions containing an emergency clause, and that laws containing such a clause shall take effect as therein directed, that the action of the legislature in inserting such a clause is conclusive upon the courts, (citing cases)."

The case of Oklahoma City v. Shields involved an act to provide for the improvement of streets and other public places by grading, paving, etc., and the court, in sustaining the act under the emergency clause, says:

"We conclude that the judgment of the legislature in determining whether or not an emergency existed—that is, whether or not a measure is immediately necessary for the preservation of the public peace, health or safety—rests solely with the legislature. It is not subject to review by the courts, or any other authority except the people."

The case of In re Menefee involved an act providing for funding the outstanding warrants and other indebtedness of the State of Oklahoma, the issuing of bonds therefor, providing for the payment of the same and making an appropriation.

Under emergency clauses of the constitutions of other states the legislature has been held to be the sole judge of the existence of the emergency.

Carpenter v. Montgomery, 7 Blackford (Ind.) 415,
Wheeler v. Chubbuck, 16 Ill. 361,
Orrich v. City of Ft. Worth (Tex.) 114 S. W. 677, 683,
Day Land & Cattle Co. v. State (Tex.) 4 S. W. 865, 873.

The cases last cited involved, respectively, an act relative to the duties of clerks of circuit courts, an act to prevent sheep and swine from running at large, an act providing a new city charter for a city,

and an act setting aside land for educational purposes and the payment of the public debt.

The general rule that the question of necessity is one for the legislature and not for the courts has also been applied with reference to general and special legislation, the accepted doctrine being that, under constitutional provisions prohibiting special legislation in cases for which provision can be made by general laws, the legislature is the sole judge of whether or not a general law can be made applicable.

36 Cyc. 991,
6 Am. & Eng. Ann. Cases 926.

The framers of our present constitution evidently had these rules of law in mind. They provided, in connection with the clause of the constitution limiting the power of the legislature to pass special laws or acts only in cases where a general law could not be made applicable (Sec. 30, Art. V) that "whether a general act can be made applicable shall be a judicial question," thereby abrogating the then existing rule and making the courts instead of the Legislature the judge of the necessity of a special law. The framers of the constitution did not place any such limitation or qualification upon the clause relating to acts immediately necessary for the preservation of the public peace, health or safety, and from their failure to do so it may be presumed that they intended to leave the determination of questions arising under that clause a legislative as contradistinguished from a judicial function.

It is therefore my opinion, based upon the foregoing authorities, that under section 21, Article V of the constitution, the legislature of this state is the sole judge of whether or not an act is immediately necessary for the preservation of the public peace, health or safety.

Very respectfully,

FRANZ C. KUHN,
Attorney General.

The communication was received and ordered spread upon the Journal.

The President laid before the Senate the following communication:

Pt. Huron, February 27, 1912.

Honorable John Q. Ross, President of the Senate, Lansing, Michigan:

Sir:—Owing to sudden and very serious illness in my family I will be unable to accept the appointment of Legislative Postmaster, and, therefore, respectfully tender my resignation.

I wish in this connection to express my sincere thanks to the Honorable Senate for the appointment, and I regret that I am unable to accept the same.

Again thanking you, I am

Very respectfully,

ERWIN A. CADY.

Mr. Weter moved that the resignation of Erwin A. Cady as Legislative Postmaster be accepted.

The motion prevailed.

Mr. Weter then offered the following resolution:

Senate resolution No. 15.

Resolved, By the Senate (the House of Representatives concurring), That Elmore Putney, of Sandusky, be named as the choice of the Legislature for the position of Legislative Postmaster, for the special session, to succeed Erwin A. Cady, resigned.

The resolution was adopted.

The President announced that the Senate would proceed to the election of a Legislative Postmaster to fill the vacancy caused by the resignation of Erwin A. Cady.

The roll of the Senate was called and the Senators voted as follows:

Legislative Postmaster,

Elmore Putney.

Mr. Barnaby	Mr. James	Mr. Moriarty	Mr. Vanderwerp
Bradley	Kingman	Murtha	Walter
Cartier	Kline	Newton	Ward
Collins	Lee	Putney	Weter
Conley	Leidlein	Rosenkrans	White
Foster	Mapes	Scott, F. D.	Wiggins
Freeman	Miller		

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The President announced that Elmore Putney having received a majority of all the votes of the Senators-elect, was duly elected Legislative Postmaster.

Mr. Walter moved that the Senate take a recess until 2:30 o'clock p. m.

The motion prevailed, the time being 2:20 o'clock p. m.

AFTER RECESS.

2:30 o'clock p. m.

The Senate was called to order by the President.
A quorum of the Senate was present.

The Senate took up the order of

REPORTS OF STANDING COMMITTEES.

By the Committee on Elections:

The Committee on Elections reports
Senate bill No. 2 (file No. 2), entitled

A bill to provide a method whereby the enrolled voters of each political party may express their choice for delegates to a national convention called for the purpose of nominating a candidate for President of the United States; to provide for the election of candidates for party presidential electors, making an appropriation for paying the expenses incurred in carrying out the provisions of this act, and to provide a tax to meet the same.

With the recommendation that the bill pass.

CARL E. MAPES,
Chairman.

The report was accepted and adopted and the committee discharged.

Pending the reference of the bill to the Committee on Finance and appropriations,

Mr. Mapes moved that the rules be suspended and that the bill be placed on the General Orders.

The motion prevailed, two-thirds of the Senators present voting therefor.

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
February 28, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit to the Senate the following concurrent resolution:

House resolution No. 12.

Resolved by the House (the Senate concurring), That when the Legislature adjourns on Thursday, February 29, it stand adjourned until Monday, March 4; at 9 o'clock p. m.

Which has been adopted by the House, and in which the concurrence of the Senate is respectfully asked.

Very respectfully,

CHARLES S. PIERCE,

Clerk of the House of Representatives.

The question being on concurring in the adoption of the resolution,

Mr. Mapes moved to amend the resolution by striking out the figure and words "9 o'clock p. m." and inserting in lieu thereof the figure and words "2 o'clock p. m.;"

Upon which motion he demanded the yeas and nays.

The motion then prevailed, a majority of the Senators present voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Rosenkrans	Mr. Ward
Cartier	Mapes	Scott, F. D.	Watkins
Collins	Moriarty	Vanderwerp	Weter
Conley	Newton	Walter	Wiggins
Foster			

17

NAYS.

Mr. Bradley	Mr. Kline	Mr. Leidlein	Mr. Murtha
Freeman	Lee	Miller	White
Kingman			

9

The question then being on the adoption of the resolution as amended, The resolution as amended was adopted.

Mr. Mapes moved that

Senate bill No. 2 (file No. 2), entitled

A bill to provide a method whereby the enrolled voters of each political party may express their choice for delegates to a national convention called for the purpose of nominating a candidate for President of the United States; to provide for the election of candidates for party presidential electors, making an appropriation for paying the expenses incurred in carrying out the provisions of this act, and to provide a tax to meet the same.

Placed on the General Orders today, be made a Special Order for Monday, March 4, at 2:30 o'clock p. m.

Mr. Leidlein moved to amend the motion of Mr. Mapes to read Tuesday, March 5, instead of Monday, March 4,

Upon which motion he demanded the yeas and nays.

The motion of Mr. Leidlein then prevailed, a majority of the Senators present voting therefor by yeas and nays as follows:

YEAS.

Mr. Bradley	Mr. Kingman	Mr. Miller	Mr. Vanderwerp
Collins	Kline	Murtha	Walter
Conley	Lee	Putney	Ward
Foster	Leidlein	Rosenkrans	White
Freeman			

17

NAYS.

Mr. Barnaby
James
Mapes

Mr. Moriarty
Newton

Mr. Scott, F. D.
Watkins

Mr. Weter
Wiggins

9

The motion as amended then prevailed, two-thirds of the Senators present voting therefor, and the bill was made a Special Order for Tuesday, March 5, at 2:30 o'clock p. m.

Mr. Miller moved to reconsider the vote by which House Resolution No. 12 relative to adjournment was amended.

The motion prevailed.

The question then being on the amendment to House resolution No. 12 offered by Mr. Mapes,

The amendment did not prevail.

The question then being on concurring in the adoption of House resolution No. 12,

The resolution was adopted.

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
February 27, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to return to the Senate the following concurrent resolution:

Senate resolution No. 10.

Whereas, Rev. Jonathan A. Sprague, for three terms Legislative Postmaster, departed this life on January 27, 1912, at the beginning of his eightieth year; therefore be it

Resolved by the Senate (the House of Representatives concurring), That we shall miss the pleasant associations which we recall in connection with his legislative service, including the acting many times as the chaplain of our sessions, and that we extend to his family our sincere sympathy in the loss of one who lived a long, honorable and useful life.

In the adoption of which the House has concurred.

Very respectfully,

CHARLES S. PIERCE,

Clerk of the House of Representatives.

The message was referred to the Secretary for record.

Mr. Cartier moved that the Senate adjourn.

The motion prevailed.

The President declared the Senate adjourned until tomorrow at 2 o'clock p. m.

ELBERT V. CHILSON,
Secretary of the Senate.

FOURTH DAY.

Lansing, Thursday, February 29, 1912.

2 o'clock p. m.

The Senate met pursuant to adjournment and was called to order by the Secretary.

The President and President protem being absent,

Mr. Moriarty moved that Mr. Cartier be chosen to preside as acting President.

The motion prevailed.

The roll of the Senate was called by the Secretary.

The following Senators were present:

Messrs. Barnaby, Bradley, Collins, Conley, James, Lee, Mapes, Miller, Moriarty, Murtha, Rosenkrans, F. D. Scott, Vanderwerp, White, Wiggins, Acting President—16.

The following Senators were absent with leave: Messrs. Foster, Fowle, Kline, Leidlein and Watkins.

The following Senators were absent without leave: Messrs. Freeman, Kingman, Newton, Putney, G. G. Scott, Snell, Taylor, Vaughan, Walter, Ward and Weter—11.

The Secretary announced that there was not a quorum of the Senate present.

Mr. Collins moved that the Senate adjourn.

The motion prevailed.

The acting President declared the Senate adjourned until Monday, March 4, at 9 o'clock p. m.

ELBERT V. CHILSON,
Secretary of the Senate.

FIFTH DAY.

Lansing, Monday, March 4, 1912.

9 o'clock p. m.

The Senate met pursuant to adjournment and was called to order by the President.

The roll of the Senate was called by the Secretary.

The following Senators were present:

Messrs. Barnaby, Cartier, Conley, Fowle, Freeman, James, Kingman, Kline, Lee, Moriarty, Murtha, Newton, Rosenkrans, F. D. Scott, Taylor, Vanderwerp, Walter, Ward, Watkins, Weter, Wiggins—21.

The following Senators were absent with leave: Messrs. Foster and Leidlein—2.

The following Senators were absent without leave: Messrs. Bradley, Collins, Mapes, Miller, Putney, G. G. Scott, Snell, Vaughan and White—9.

Mr. Moriarty moved that the absentees without leave be excused from today's session.

The motion prevailed.

ANNOUNCEMENTS FROM THE SECRETARY.

Pursuant to Rule 9 of the Senate Rules, I respectfully report that Senate bill No. 1 (file No. 1),

Was received from the printer on Saturday, March 2,

Senate bill No. 2 (file No. 2),

Was received from the printer on Friday, March 1, and

Senate bill No. 3 (file No. 3),

Was this day received from the printer and they are on file in the document room of the Senate.

ELBERT V. CHILSON,
Secretary of the Senate.

MESSAGES FROM THE GOVERNOR.

The following message was received and read:

State of Michigan, Executive Office,

Lansing, March 4, 1912.

To the Forty-Sixth Legislature of the State of Michigan:

Gentlemen:—Entirely without malice, but in a manner so plain as to leave no room for misunderstanding, I wish to call your attention to the outrageous methods of coercion and intimidation being used to defeat the presidential preference primary bill which you have under consideration. The people of the State of Michigan and you as their representatives are entitled to know of matters that are inimical to popular government, and especially when odious acts are committed that are so bold as to cause a feeling of resentment on the part of every honest citizen.

Senator Michael H. Moriarty, of the thirty-first district, came to Lansing with his mind fully made up to support a presidential primary bill. He discussed the matter and suggested certain changes in the bill. These were made and he privately and publicly expressed his approval of the measure. As soon as his attitude was learned in his district, Charles H. Watson, attorney for Corrigan, McKinney & Company, of Pittsburg and of the Chicago, Milwaukee and St. Paul Railway Company, came to the Capitol post haste. He at once began a siege of Senator Moriarty with the result that that estimable and popular gentleman was compelled to surrender.

Who sent Mr. Watson upon his mission of coercion? W. J. Richards, Superintendent for Corrigan, McKinney & Company, is a candidate for delegate at large from Michigan to the Republican National Convention. Who are Corrigan, McKinney & Company? Next to the United States Steel Company they are the largest operators of Michigan Iron Mines. In Iron County, the home county of Senator Moriarty, they control the Armenia, Crystal Falls, Great Western, La Mont, Kimball, Tobin, Dunn, Baker, Blair, Tully, and Houlihan mines and other properties, making in all fifteen mines and explorations. It was clearly shown to Senator Moriarty that he could not live in that county and oppose those interests. These gaunt fingers of political and financial avarice took him by the throat and throttled him. His own iron mining property, the Sherwood, leased to the Republic Steel Company, would suffer. His law business would be taken away. He would be starved out.

This high handed proceeding is enough to justify the passage at once of a presidential primary bill. The American people will rebel at such practices. Is there any wonder that the people are restless and insist upon protection through the medium of the best instruments obtainable for popular government? These reprehensible methods show clearly the length that intrenched privilege will go. It is the duty of the people to protect themselves by any lawful measures within their power.

I tell you these things so that every free man in the Senate and the House of Representatives may act with full knowledge of conditions.

It is as clear a case of the bullying corporations against the people as can be presented.

Respectfully submitted,

CHASE S. OSBORN,

Governor.

The message was ordered spread upon the Journal.

MOTIONS AND RESOLUTIONS.

Mr. Cartier offered the following resolution:

Senate resolution No. 16.

Resolved by the Senate (the House of Representatives concurring), That from and after 12 o'clock noon on Saturday, March 9, 1912, the two houses of the legislature will transact no other business than for the President of the Senate and the Speaker of the House of Representatives to sign enrolled bills for presentation to the Governor, and the entry of the same on the Journal by the Secretary of the Senate and the Clerk of the House of Representatives, and the date of final adjournment of the Legislature shall be on Friday, March 15, 1912, at 12 o'clock noon.

The question being on the adoption of the resolution,

Mr. Cartier moved that the resolution be laid on the table.

The motion prevailed.

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
March 4, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to return to the Senate the following concurrent resolution:

Senate resolution No. 15.

Resolved by the Senate (the House of Representatives concurring), That Elmore Putney, of Sandusky, be named for the position of legislative postmaster for the special session, to succeed Erwin A. Cady, resigned.

In the adoption of which the House has concurred.

Very respectfully,

CHARLES S. PIERCE,

Clerk of the House of Representatives.

The resolution was referred to the Secretary for record.

Mr. Cartier moved that the Senate adjourn.

The motion prevailed.

The President declared the Senate adjourned until tomorrow a 2 o'clock p. m.

ELBERT V. CHILSON,
Secretary of the Senate.

SIXTH DAY.

Lansing, Tuesday, March 5, 1912.

2 o'clock p. m.

The Senate met pursuant to adjournment and was called to order by the President.

Religious exercises were conducted by Rev. Dr. Williamson, of the Plymouth Congregational Church, of Lansing.

The roll of the Senate was called by the Secretary.

The following Senators were present:

Messrs. Barnaby, Bradley, Cartier, Collins, Conley, Foster, Fowle, Freeman, James, Kingman, Kline, Lee, Leidlein, Mapes, Miller, Moriarty, Murtha, Newton, Putney, Rosenkrans, F. D. Scott, G. G. Scott, Snell, Taylor, Vanderwerp, Vaughan, Walter, Ward, Watkins, Weter, White, Wiggins—32.

PRESENTATION OF PETITIONS.

Petition No. 1. By Mr. Cartier:

Petition of H. Ward Leonard and 106 other voters of the twenty-sixth senatorial district requesting Charles E. Cartier to use his best efforts to secure the enactment of the presidential preference primary bill now pending before the Legislature.

The petition was referred to the Committee on Elections.

MOTIONS AND RESOLUTIONS.

Mr. Taylor offered the following resolution:

Senate resolution No. 17.

Whereas, There appears in yesterday's Journal of the Senate a special message from His Excellency, the Governor, directly dealing with the motives and convictions of a member of this body, Honorable Michael H. Moriarty, Senator from the thirty-first district, in whose integrity and sincerity of purpose the members of this Senate have the greatest confidence; therefore be it

Resolved, That we express to Senator Moriarty our appreciation of his long and faithful service as a member of this body, and his devotion at all times to what has seemed to him the highest and best interests

of the State and that we are unwilling to believe, without the most positive and convincing proof, that Senator Moriarty has sacrificed or would sacrifice the welfare of the people, or his duty as a public official, to serve or protect his private or individual interests.

The question being on the adoption of the resolution,

Mr. Mapes moved that the resolution be laid on the table,

Upon which motion Mr. Lee demanded the yeas and nays.

The motion made by Mr. Mapes then did not prevail, a majority of the Senators present not voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Barnaby	Mr. Mapes	Mr. Ward	Mr. Weter	
Fowle	Newton	Watkins	Wiggins	
James	Vanderwerp			10

NAYS.

Mr. Bradley	Mr. Kingman	Mr. Murtha	Mr. Snell	
Cartier	Kline	Putney	Taylor	
Collins	Lee	Rosenkrans	Vaughan	
Conley	Leidlein	Scott, F. D.	Walter	
Foster	Miller	Scott, G. G.	White	
Freeman				21

The question being on the adoption of the resolution,

The President announced that the hour 2:30 o'clock p. m. had arrived for the

SPECIAL ORDER

and laid before the Senate

Senate bill No. 2 (file No. 2), entitled

A bill to provide a method whereby the enrolled voters of each political party may express their choice for delegates to a national convention called for the purpose of nominating a candidate for President of the United States; to provide for the election of candidates for party presidential electors, making an appropriation for paying the expenses incurred in carrying out the provisions of this act, and to provide a tax to meet the same.

Mr. Mapes moved that the Senate resolve itself into the committee of the whole on the special order.

The motion prevailed.

The President called Mr. Vanderwerp to the chair.

After some time spent therein, the committee rose and through its chairman made the following report:

The committee of the whole has had under consideration the above named bill,

Has amended the same as follows:

1. By striking out of line 74 of section 17 the word "stamped" and inserting in lieu thereof the word "made";

2. By inserting after the word "instructions" in line 2 of section 21, the following: "If a voter wishes to vote for some of the candidates whose names appear in any group, but not for all the names contained therein, he may mark a cross (x) in the square at the head of the column containing the group, and cross out the names of the candidates for whom he does not wish to vote by drawing a line through them, in which case the cross placed in the square at the head of the column will count as a vote for all other candidates in the group whose names are not crossed out, and the voter may vote for such number of candidates whose names do not appear in the group equal to the number of names crossed out in the group by making a cross (x) in the square to the left of each name of any such candidate for whom he desires to vote";

3. By striking out of lines 3 and 4 of section 29 the following: "to pay the actual expenses incurred by delegates in attending any national presidential convention and";

4. By striking out of lines 6, 7, 8, 9 and 10 of section 29 the following: "The actual and necessary expenses incurred by each delegate in attending the national presidential convention shall be paid out of such fund when the claim therefor is audited and allowed by the board of state auditors: Provided, That the expenses allowed to any delegate shall in no case exceed one hundred dollars";

5. By striking out of lines 20, 21, 22 and 23 of section 29 the following: "Each delegate incurring any expense shall swear to the correctness of same and to the fact that the amount claimed has been actually and necessarily expended, the form of said oath to be prescribed by the board of state auditors."

And has directed its chairman to report the same back to the Senate, asking that the amendments be concurred in, and recommend that, as amended, the bill pass.

JOHN VANDERWERP,
Chairman.

The report was accepted.

The Senate concurred in the amendments made to the bill named in the report and the bill was placed on the order of third reading of bills.

Mr. Mapes moved that there be a call of the Senate.
The motion prevailed.

PROCEEDINGS UNDER THE CALL.

The roll of the Senate was called by the Secretary, who announced that there were no absentees.

Mr. Mapes moved that the rules be suspended and that the Senate take up the order of Third Reading of Bills,

Upon which motion he demanded the yeas and nays.

The motion then did not prevail, two thirds of the Senators present not voting therefor, by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Vanderwerp	Mr. Watkins	
Bradley	Mapes	Walter	Weter	
Conley	Newton	Ward	Wiggins	
Fowle	Rosenkrans			14

NAYS.

Mr. Cartier	Mr. Kline	Mr. Murtha	Mr. Snell	
Collins	Lee	Putney	Taylor	
Foster	Leidlein	Scott, F. D.	Vaughan	
Freeman	Miller	Scott, G. G.	White	
Kingman	Moriarty			18

Mr. Miller moved that all further proceedings under the call be dispensed with.

The motion prevailed.

Mr. White moved that the Senate adjourn.

The motion prevailed.

The President declared the Senate adjourned until tomorrow at 2 o'clock p. m.

ELBERT V. CHILSON,
Secretary of the Senate.

SEVENTH DAY,

Lansing, Wednesday, March 6, 1912.

2 o'clock p. m.

The Senate met pursuant to adjournment and was called to order by the President.

The roll of the Senate was called by the Secretary.

The following Senators were present:

Messrs. Barnaby, Bradley, Cartier, Collins, Conley, Foster, Fowle, Freeman, James, Kingman, Kline, Lee, Leidlein, Mapes, Miller, Moriarty, Murtha, Newton, Putney, Rosenkrans, F. D. Scott, G. G. Scott, Snell, Taylor, Vanderwerp, Vaughan, Walter, Ward, Watkins, Weter, White and Wiggins—32.

Mr. Miller sent to the Secretary's desk and asked to have read, an opinion signed by six Detroit lawyers, also several letters which he stated had an important bearing on the Presidential Preference Primary Bill now pending in the Senate.

Pending the reading of the opinion and the correspondence,

Mr. Newton moved that the same be considered read, and be ordered spread at length upon the Journal, that the Senators might have opportunity to read and digest the same at their leisure.

The motion prevailed.

The following is the opinion and the correspondence above referred to:

Detroit, February 21, 1912.

Hon. Guy A. Miller, Senator:

Dear Sir:—The case you have submitted to us for our opinion we understand to be this:

The Governor of this state has convened the legislature in extra session "for the purpose of enacting a Presidential Preference Primary Law, and for the consideration of such other matters as shall be submitted by special message."

Article V, Section 21 of the Constitution of this State provides:

"No act shall take effect or be enforced until the expiration of ninety days from the end of the session at which the same was passed, except that the legislature may give immediate effect to acts making appropriations and acts immediately necessary for the preservation of the

public peace, health or safety, by a two-thirds vote of the members elected to each house."

You ask for our opinion whether such an act may be given immediate effect.

We have given the matter careful consideration, and without hesitation or doubt, answer your question in the negative.

The mere fact that the proposed "law" makes an appropriation to provide means to carry the act into effect does not bring it within the exception to the constitutional inhibition that no legislative act shall be given immediate effect. The appropriation would be merely incidental to the main purpose of the act. It is only upon that theory that the appropriation and its other features may be embodied in one act; otherwise the act would be obnoxious to Section 21, Article V of the constitution which provides that "no law shall embrace more than one object which shall be expressed in its title."

It will not, we take it, be contended that the proposed law is "immediately necessary for the preservation of the public * * * health."

Is the act, then "*immediately* necessary for the preservation of the public peace or safety?"

The term "Presidential Preference Primary Law" is not of definite import. We assume that it is used to designate a statute that makes provision for the expression, by each voter, of his preference for candidates for the offices of President and Vice-President of the United States, to be placed in nomination by the party to which such voter belongs, and makes it incumbent upon the delegates to the national conventions, howsoever chosen, to vote in accordance with the views of the majority or plurality of the preferences thus expressed.

The expression of such preference and the election of delegates bound to vote in accordance therewith, are matters that pertain to the orderly working of the political machinery of the State, and do not immediately concern the preservation of the public peace or safety. We are unable to conceive how the enactment of such a statute is necessary for the preservation of the public peace or safety, except upon the theory that the failure to enact it would necessarily and immediately result in illegal overt acts destructive of the public peace or safety. The theory assumes that a number of the citizens of this State would resort to overt acts resulting in the destruction of the public peace and safety unless such a statute were passed. Such an assumption is, we think, wholly unwarranted and a libel upon the citizenship of this State. But, if the assumption were warranted by the facts, we are clearly of opinion that the case would not fall within the exception to the constitutional inhibition under discussion.

Until the present constitution went into effect, it was competent for the legislature, by a vote of two-thirds of the members elected to each house, to give immediate effect to any statute. That led to great abuses. To prevent them, the new constitution provided that immediate effect should not be given to legislation except, as already appears, when it was immediately necessary for the preservation of the public peace, health or safety. The language of the constitution is clear and free from ambiguity. It was intended to make possible speedy legislation to effectively meet the exigencies imposed by actual or threatened epi-

demics or invasion, or by actual or impending catastrophies of fire and flood, and to put down riots or other insurrection. It was never intended to make it possible for any faction or party within the State to impose legislation by threats of riot, rebellion, blood-shed or other breach of the peace, or by otherwise threatening to destroy the public peace or safety.

Very truly yours,

OTTO KIRCHNER.

JOHN W. BEAUMONT.

LEWIS H. PADDOCK.

CLAUDIUS B. GRANT.

FRED A. BAKER.

C. A. KENT.

Detroit, February 26, 1912.

Hon. Guy A. Miller, Senate Chamber, Lansing, Mich:

My Dear Senator:—In answer to your request for my opinion as to whether the Legislature can, under Article V, Section 21 of the constitution, give immediate effect to the proposed "Presidential Preference Primary Law," I say that I fully endorse the views of Hon. Otto Kirchner, Hon. Claudius B. Grant and other lawyers of this city expressed in their recent communication to you.

Truly yours,

WILLIAM L. CARPENTER.

Detroit, February 27, 1912.

Hon. Guy Miller, State Senate, Lansing, Michigan:

Dear Sir:—On the twenty-fourth instant you asked my opinion on the following question,—“Can the legislature give immediate effect to an act providing for a ‘presidential primary,’ having in view the limitations made by the present constitution of Michigan?”

Those limitations, as set by Section 21 of Article V of the Constitution of 1908, prescribe that “No act shall take effect or be in force until the expiration of ninety days from the end of the session at which the same is passed, except that the legislature may give immediate effect to acts making appropriations and acts immediately necessary for the preservation of the public peace, health or safety by a two-thirds vote of the members elected to each house.”

As the purpose of an act providing for a presidential primary would not be the making of an appropriation, although an appropriation might be necessary for its machinery, the question resolves itself as to whether the legislature *has the power* to give such an act effect as a measure of peace, health or safety.

With much deference to the gentlemen who have answered your question in the negative, it is my firm opinion that the legislature has such power if it choose to exercise it.

The constitution expressly gives the legislature the right to give immediate effect to acts necessary for peace, health or safety; who is to judge as to such need? Not the courts, nor the eminent lawyers who have assumed to do so, but the legislature itself. Under our system of government, where such a power is conferred upon the legislative branch

it can exercise it in its discretion and the judicial branch must not interfere. As has been said by our Supreme Court "the rule is general that courts cannot inquire into the motives of legislatures in passing enactments." In such cases the legislature perforce must make its own finding as to the necessity, and that finding cannot be reviewed by the courts.

If this were a matter of first impression and of first application of this power, it might be approached with the feeling that any such use as contemplated would be a decided and unprecedented stretch of the language used in the constitution. A very cursory examination of the legislation of this State since the adoption of this constitution shows that it was deemed wise by your honorable body, at its session in 1911, to enlarge considerably the narrow limits which a perfectly literal application of the terms peace, health and safety might involve. Among other noteworthy instances in which acts were given immediate effect for one or more of those reasons, I may cite the following, which have not been criticized by your eminent friends, or attacked by others, up to the present. All are found in the Public Acts of 1911, and may be indicated as:

Act 7, abolishing the office of Commissioner of Mineral Statistics;
Act 13, relative to dividing townships and villages into election districts;

Act 19, for the purchase of books for the State Library;

Act 31, for the appointment of an Assistant State Librarian at an annual salary of \$1,200;

Act 66, increasing the salary of the Commissioner of Insurance to \$3,500;

Act 92, creating a commission to investigate the system of taxation;

Act 114, directing the State Tax Commission to examine into mining properties;

Act 169, in relation to a primary election to nominate candidates for school offices;

Act 230, to provide for the control of old battle flags.

These are but a few, chosen at random. Other instances will be furnished for you, if you wish them. Of those enumerated it is to be remarked that one at least (Act 169) related to primaries; to be sure that deals with the rights of women voters and may have been passed in terror of the suffragette. If these acts be constitutional one can hardly question the action proposed.

It is not necessary for the legislature to wait for gory threats or acts of lawlessness to warrant the passage of a measure it deems of importance to the public peace. If it finds the proposed legislation will preserve the peace of mind of the citizens, it should be sufficient reason for its passage, and once passed, it should not be assailed.

Yours respectfully,
SIDNEY T. MILLER.

Probate Office, Wayne County, Michigan,
Detroit, March 4, 1912.

Hon. Guy A. Miller, Senate Chamber, Lansing, Michigan:

My Dear Senator:—Yours of the 1st instant asking if in my opinion

the ballots for the proposed presidential primary election under the bill introduced by Senator Mapes, could be printed and distributed in Wayne county if the names were certified to the county clerk as early as the 23rd day of March, is received.

If the names in each column are not to be rotated like the names of the candidates in our general primary, it could be done, but I think could not be done if the names were to be so rotated. If the columns on all ballots of the different candidates for president containing groups of thirty were to be shifted so that each one would have the first column as often as any other, it could be done as this would require at the most undoubtedly not more than four columns that would require changing.

There are a number of matters of detail in the bill which I think should be changed and I spoke to Mr. Flowers over the 'phone this morning relative to some of it and intend to write him about it.

I think provision should be made permitting any parties having less than five per cent. of the total vote at the last presidential election to nominate by mass convention. I think they might do this, this act to the contrary notwithstanding, as I do not believe any law can make it illegal in our country for a number of citizens to meet peaceably in convention and elect delegates to any convention, and if this provision is good, where would any new party organized after the first of April, stand?

The provision in the act requiring that the ballots should state the township, city and ward in which it is to be voted, is also unnecessary and makes a great deal of additional work. This requirement is not contained in the law for printing the general election ballots and there is no more use for it in the primary ballot than on that. For instance, a county having say twenty townships may have five or six or more townships requiring the same number of ballots—all the ballots in the county being alike as to the names of the candidates. We make up a schedule showing the number of packages to be printed and numbered containing 500; a number containing 600; a number containing 700 and so on and as they are printed and numbered they are done up in packages and marked "500," "600," "700," and so on. Then in calling off and sealing up the packages a township or election district which contains 500 voters takes any of these packages. If a township or ward is printed in, it requires stopping the press and making that change in the wording, whereas in the numbering it is a very short matter to take out the ballots, turn back the numbering machine and go ahead. If there is any necessity for this designation it would have to state the election district for the designation of the township or ward would not state where the ballots were to be voted if the township or ward were divided into two or more districts and to make that would be an interminable job as we have in our county 215 election districts. This designation on the ballots of the township, city and ward does not add anything to the security to get the ballots properly distributed.

A lot of the wording in the sections providing for the form of the ballot is rather antiquated and the person who drew the bill must have had before him the original act of 1891 as that provided for stamping in an "X" and provided "a square" at the head of the ballot instead

of "a circle." The law then provided for stamping. That has all been changed and pencils are used and it is pretty hard to stamp an "X" with a pencil. The square at the top was changed to a circle for the reason that persons became confused and put the "X" in the square to the left of the first name, instead of at the top when they desired to vote a straight ticket. This change has been on the books so long that voters have become used to putting the "X" in the circle to vote a ticket and if it does not follow that it will lead to confusion.

In case these small parties could nominate by mass convention, which I think they would prefer unless they wanted to get some of the "fat" provided by this bill, it would save quite a little work in printing their ballots and we would then have to print ballots only for the two parties unless candidates for delegates should file with the Secretary of State the required petition. One party would have to hustle to get the requisite one hundred names within the party.

Yours very truly,

EDGAR O. DURFEE.

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was received and read:

State of Michigan, Executive Office,
Lansing, March 5, 1912.

To the Forty-sixth Legislature of the State of Michigan:

Gentlemen:—You are authorized and requested to give consideration to certain bills introduced upon the request of the Auditor General of the State of Michigan. These bills have for their purpose the correction of conditions that are embarrassing to the State. They are as follows:

A bill to amend section 1 of Act No. 107 of the Public Acts of 1911, entitled "An act to provide a tax to meet the several appropriations for which a tax is not otherwise provided for the general expenses of the state government, salaries of the state officers, judicial and other expenses of the state departments and expenses of the legislature for the years nineteen hundred eleven and nineteen hundred twelve."

A bill to amend section 8 of Act No. 150 of the Public Acts of 1911, entitled "An act to provide for the employment of prison labor on state account at the State Prison at Jackson, Michigan, to provide for the sale and disposition of the manufactured product; to define the duties of the warden and board of control of said prison in relation thereto; to make an appropriation for the fiscal year ending June 30, 1912, to carry into effect the object and purposes of this act, and to provide a tax to meet the same."

A bill to amend section 8 of Act No. 151 of the Public Acts of 1911, entitled "An act to provide for the employment of prison labor on state account at the State House of Correction and Branch of the State Prison in the Upper Peninsula, to provide for the sale and disposition of the manufactured product; to define the duties of the warden and board of control of said prison in relation thereto; to make an appro-

priation for the fiscal year ending June 30, 1912, to carry into effect the object and purposes of this act and to provide a tax to meet the same."

A bill to provide for the transfer to the General Repairs Fund of a certain unexpended appropriation for the Michigan State Prison.

Respectfully submitted,

CHASE S. OSBORN,

Governor.

The message was received and ordered spread on the Journal.

PRESENTATION OF PETITIONS.

Petition No. 2. By Mr. Taylor: Protest of C. E. Stuart and 33 other citizens of Kalamazoo county against the passage of a presidential preference primary bill.

The protest was referred to the Committee on Elections.

Petition No. 3. By Mr. Taylor: Petition of W. C. Whitney and 67 other citizens of Richland, Kalamazoo county, requesting the enactment of a direct primary law similar to the Wisconsin primary law, and expressing disgust with the present Michigan primary law.

Same reference.

Petition No. 4. By Mr. Taylor: Petition of A. A. Robinson and 113 other citizens of Schoolcraft, Kalamazoo county, in favor of the passage of a presidential preference primary bill.

Same reference.

Petition No. 5. By Mr. Taylor: Petition of J. Mark Harvey and 43 other citizens of Constantine, St. Joseph county, on the same subject.

Same reference.

Petition No. 6. By Mr. Taylor: Petition of Clyde L. Gear and 31 other citizens of Kalamazoo county, on the same subject.

Same reference.

Petition No. 7. By Mr. Taylor: Petition of A. H. Pengelly and 4 other citizens of Kalamazoo county, on the same subject.

Same reference.

Petition No. 8. By Mr. Taylor: Petition of Ray O. Brundage and 30 other citizens of Kalamazoo county, on the same subject.

Same reference.

Petition No. 9. By Mr. Taylor: Petition of Clyde W. Ketcham and 11 other citizens of Kalamazoo county, on the same subject.

Same reference.

Petition No. 10. By Mr. Taylor: Petition of E. Martindale and 58 other citizens of Kalamazoo county, on the same subject.
Same reference.

Petition No. 11. By Mr. Taylor: Petition of J. S. Cole and 19 other citizens of Kalamazoo county, on the same subject.
Same reference.

Petition No. 12. By Mr. Taylor: Petition of O. F. Miller and 8 other citizens of Kalamazoo county, on the same subject.
Same reference.

Petition No. 13. By Mr. Taylor: Petition of Marvin J. Schaberg and 39 other citizens of Kalamazoo county, on the same subject.
Same reference.

Petition No. 14. By Mr. Taylor: Petition of Fred C. Putnam and 28 other citizens of Kalamazoo county, on the same subject.
Same reference.

Petition No. 15. By Mr. Taylor: Petition of E. E. Labadie and 18 other citizens of Kalamazoo county, on the same subject.
Same reference.

Petition No. 16. By Mr. Taylor: Petition of Harry H. Myers and 11 other citizens of Kalamazoo county, on the same subject.
Same reference.

Petition No. 17. By Mr. Taylor: Petition of Lincoln H. Titus and 13 other citizens of Kalamazoo county, on the same subject.
Same reference.

Petition No. 18. By Mr. Taylor: Petition of R. Seseman and 42 other citizens of Kalamazoo county, on the same subject.
Same reference.

Petition No. 19. By Mr. Taylor: Petition of Robt. E. Staebler and 7 other citizens of Kalamazoo county, on the same subject.
Same reference.

Petition No. 20. By Mr. Taylor: Petition of W. H. Snow and 30 other citizens of Kalamazoo county, on the same subject.
Same reference.

Petition No. 21. By Mr. Taylor: Petition of Guy F. Mahoney and 60 other citizens of Kalamazoo county, on the same subject.
Same reference.

Petition No. 22. By Mr. Taylor: Petition of O. W. Cooper and 60 other citizens of Kalamazoo county, on the same subject.
Same reference.

Petition No. 23. By Mr. Taylor: Petition of Frank Duhle and 28 other citizens of Kalamazoo county, on the same subject.
Same reference.

Petition No. 24. By Mr. Taylor: Petition of R. J. Ellison and 9 other citizens of Kalamazoo county, on the same subject.
Same reference.

MOTIONS AND RESOLUTIONS.

Mr. Watkins offered the following resolution:

Senate resolution No. 18.

Whereas, Three bills (numbers H. R. 36, H. R. 4428, S. 2367) to afford federal protection to migratory game birds, have been introduced in congress, and

Whereas, It is believed there is a general sentiment in this state in favor of such protection, now, therefore be it

Resolved (by the Senate, the House of Representatives concurring), That congress be and hereby is requested to enact a law giving ample protection to migratory game birds.

Resolved further, That the Secretary of State be and hereby is directed to transmit copies of this resolution to the Senate and House of Representatives of the United States.

The resolution was adopted.

INTRODUCTION OF BILLS.

Mr. Fowle introduced

Senate bill No. 4, entitled

A bill to amend section 8 of Act No. 151 of the Public Acts of 1911, entitled "An act to provide for the employment of prison labor on state account at the State House of Correction and Branch of the State Prison in the Upper Peninsula; to provide for the sale and disposition of the manufactured product; to define the duties of the warden and board of control of said prison in relation thereto; to make an appropriation for the fiscal year ending June 30, 1912, to carry into effect the object and purposes of this act, and to provide a tax to meet the same."

The bill was read a first and second time by its title, and pending its reference to a committee,

Mr. Fowle moved that the rules be suspended and that the bill be placed on its immediate passage.

The motion prevailed, two-thirds of the Senators present voting therefor.

The bill was then read a third time and passed, a majority of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Murtha	Mr. Vaughan	
Bradley	Kingman	Newton	Walter	
Cartier	Kline	Putney	Ward	
Collins	Lee	Rosenkrans	Watkins	
Conley	Leidlein	Scott, G. G.	Weter	
Foster	Mapes	Snell	White	
Fowle	Miller	Taylor	Wiggins	
Freeman	Moriarty	Vanderwerp		31

NAYS.

0

The title of the bill was agreed to.

Mr. Fowle also introduced
Senate bill No. 5, entitled

A bill to amend section 8 of Act No. 150 of the Public Acts of 1911, entitled "An act to provide for the employment of prison labor on state account at the State Prison at Jackson, Michigan, to provide for the sale and disposition of the manufactured product; to define the duties of the warden and board of control of said prison in relation thereto; to make an appropriation for the fiscal year ending June 30, 1912, to carry into effect the object and purposes of this act, and to provide a tax to meet the same."

The bill was read a first and second time by its title, and pending its reference to a committee,

Mr. Fowle moved that the rules be suspended and that the bill be placed on its immediate passage.

The motion prevailed, two-thirds of the Senators present voting therefor.

The bill was then read a third time and passed, a majority of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Murtha	Mr. Vanderwerp	
Bradley	Kingman	Newton	Vaughan	
Cartier	Kline	Putney	Walter	
Collins	Lee	Rosenkrans	Ward	
Conley	Leidlein	Scott, F. D.	Weter	
Foster	Mapes	Scott, G. G.	White	
Fowle	Miller	Snell	Wiggins	
Freeman	Moriarty	Taylor		31

NAYS.

0

The title of the bill was agreed to.

Mr. Kline introduced
Senate bill No. 6, entitled

A bill to provide for the transfer to the general repairs fund of a certain unexpended appropriation for the Michigan State Prison.

The bill was read a first and second time by its title, and pending its reference to a committee,

Mr. Kline moved that the rules be suspended, and that the bill be placed on its immediate passage.

The motion prevailed, two-thirds of the Senators present voting therefor.

The bill was then read a third time and passed, a majority of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Murtha	Mr. Vanderwerp
Bradley	Kingman	Newton	Vaughan
Cartier	Kline	Putney	Walter
Collins	Lee	Rosenkrans	Ward
Conley	Leidlein	Scott, F. D.	Watkins
Foster	Mapes	Scott, G. G.	Weter
Fowle	Miller	Snell	White
Freeman	Moriarty	Taylor	Wiggins

32

NAYS.

0

The title of the bill was agreed to.

Mr. Kline also introduced
Senate bill No. 7, entitled

A bill to amend section 1 of Act No. 107 of the Public Acts of 1911, entitled "An act to provide a tax to meet the several appropriations for which a tax is not otherwise provided for the general expenses of the state government, salaries of the state officers, judicial and other expenses of the state departments and expenses of the legislature for the years 1911 and 1912."

The bill was read a first and second time by its title.

Mr. Kline moved that the rules be suspended, and that the bill be referred to the Committee on Finance and Appropriations.

The motion prevailed, two-thirds of the Senators present voting therefor.

The bill was so referred.

UNFINISHED BUSINESS.

Being the consideration of

Senate resolution No. 17, introduced March 5, by Senator Taylor.

Whereas, There appears in yesterday's Journal of the Senate a special message from His Excellency, the Governor, directly dealing with the motives and convictions of a member of this body, Hon. Michael H. Moriarty, Senator from the thirty-first district, in whose integrity and sincerity of purpose the members of this Senate have the greatest confidence; therefore be it

Resolved, That we express to Senator Moriarty our appreciation of his long and faithful service as a member of this body, and his devotion at all times to what has seemed to him the highest and best interests of the State and that we are unwilling to believe, without the most

positive and convincing proof, that Senator Moriarty has sacrificed or would sacrifice the welfare of the people, or his duty as a public official, to serve or protect his private or individual interests.

The question being on the adoption of the resolution,

After extended discussion,

Mr. Ward moved the previous question,

Which motion was seconded.

The question then being "Shall the main question be now put?"

The same was ordered.

The question being on the adoption of the resolution,

Mr. Lee demanded the yeas and nays.

The resolution was then adopted, a majority of the Senators present voting therefor by yeas and nays as follows:

YEAS.

Mr. Bradley	Mr. Freeman	Mr. Miller	Mr. Snell
Cartier	Kingman	Murtha	Taylor
Collins	Kline	Rosenkrans	Vaughan
Conley	Lee	Scott, F. D.	Ward
Foster	Leidlein	Scott, G. G.	White

20

NAYS.

Mr. Barnaby	Mr. Mapes	Mr. Walter	Mr. Weter
Fowle	Putney	Watkins	Wiggins
James	Vanderwerp		

10

Mr. Fowle read to the Senate a communication signed "Frank Knox," relating to a previous letter Mr. Knox had addressed to Robert H. Shields, and requested that the same be spread upon the Journal.

Pending the granting of the request,

Mr. Murtha sent to the Secretary's desk and had read the letter referred to by Mr. Knox in his letter to Mr. Fowle.

Mr. Murtha then moved that both letters above referred to be spread at length upon the Journal,

Upon which motion Mr. Lee demanded the yeas and nays.

The motion made by Mr. Murtha then prevailed, a majority of the Senators present voting therefor by yeas and nays as follows:

YEAS

Mr. Bradley	Mr. Fowle	Mr. Leidlein	Mr. Scott, G. G.
Cartier	Freeman	Miller	Snell
Collins	James	Murtha	Walter
Conley	Lee	Scott, F. D.	Watkins

16

NAYS.

Mr. Barnaby	Mr. Mapes	Mr. Taylor	Mr. Weter
Foster	Moriarty	Vanderwerp	White
Kingman	Putney	Vaughan	Wiggins
Kline	Rosenkrans	Ward	

15

The following are the two letters referred to in the motion made by Mr. Murtha:

Chicago, February 24, 1912.

Hon. Otto Fowle, State Senator, Sault Ste. Marie, Michigan:

My Dear Senator:—I have noted the statements made by Senator Miller to the effect that he would, upon the convening of the legislature in special session, demand an investigation of the Osborn primary campaign fund, the excuse for such action being a letter written by myself in 1909 to Robert H. Shields and by him given publicity.

As you served in that primary campaign as the treasurer of the campaign committee and know of your own knowledge the source of every dollar contributed, I ask that you add to any statement you may make the following statement from me:

My letter to Shields was so inexcusably, thoughtlessly and carelessly written, and is so readily capable of misconstruction and distortion, that its publication demands the fullest possible explanation from me. Regardless of the effect its publication may have upon myself, I am chiefly concerned because it may do injury through misunderstanding, to the best friend I ever had or ever expect to have, Governor Chase S. Osborn.

You know, and Shields also knows, precisely what was attempted and done in raising the primary campaign funds. The money raised for the Osborn campaign came solely from personal contributions from personal friends of Governor Osborn. The money raised by the mining people to combat the tonnage tax proposal was placed in the hands of a publicity committee of their own selection and employed by that committee in the most frank and open manner possible in preparing and distributing publicity matter against the tonnage tax mailed directly to voters in lower Michigan.

The letter to Shields, like almost all my letters during the primary campaign, was written without the Governor's knowledge, and any discussion we may have had about Shields was the most casual sort. My use of the Governor's name in that letter was warranted only by my zeal and enthusiasm in his cause and my friendship and loyalty to him. At the time that letter was written I was not chairman of the State Central Committee and no thought of Shields as a Tax Commissioner entered my mind. I sought his assistance in raising funds because he had offered to help and he had for a number of years been active in raising funds for campaign purposes in the upper peninsula in his capacity as a member of the State Central Committee.

Life has its lessons. I have learned a valuable one from this transaction. While nothing improper was intended and nothing improper done, my letter, written as I supposed to a close personal friend, so easily leads to misunderstanding that I feel the situation demands from me this clear and earnest statement. All my life when I make mistakes, and all people make them, I shall be ready to acknowledge them, and profiting by the experience, seek to avoid them in the future.

Yours sincerely,

(Signed) FRANK KNOX.

THE EVENING NEWS.

W. F. KNOX, Editor & Manager.

Sault Ste. Marie, Mich., November 20, 1909.

My Dear Mr. Shields:—After a long conference with Mr. Osborn out at “Deerfoot” hunting camp this week, we have decided that your reasons for not taking the chairmanship of the upper peninsula campaign committees are good. Both Mr. Osborn and myself, however, feel that if you could be induced to undertake it, above all others, you are the man in the upper peninsula to aid in raising the sinews of war for the fight.

Knowing of the prominence which the tonnage tax issue will play in the campaign, and the certain cost which will be incurred in meeting this issue, both Chase and myself feel that the mining companies ought to be pretty liberal in their contributions to the campaign fund. Confidentially, I anticipate that the campaign will cost in the neighborhood of \$50,000, and of this estimate that we ought to raise \$20,000 in the upper peninsula, \$15,000 in lower Michigan, among Mr. Osborn’s friends in Wayne and Saginaw particularly, and \$15,000 to be contributed by Mr. Osborn himself.

Chase is very anxious that you undertake this portion of the campaign work in the upper peninsula, and I hope that I may have from you your consent to undertake it.

I am planning for the conference I suggested to you, of Mr. Osborn’s friends, for December 8th, at 10 o’clock in the morning, at Marquette. How would this date suit you, for I want you to be present, by all means. The Shrine meets in Marquette on that date, and I have taken occasion to call the Osborn meeting for the same day, because of the fact that a good many of the fellows we will want will be at Marquette anyway.

With best wishes, I am,

Yours very truly,
W. F. KNOX.

MH.WFK

Mr. Moriarty arose to a question of personal privilege and stated that he had in his possession a letter signed “William P. Belden,” bearing upon the special message sent to the Senate by Governor Osborn on Monday, March 4, which he read to the Senate, and asked consent to have the same spread at length upon the Journal of the Senate.

Consent was granted.

The following is the letter:

Ishpeming, Mich., March 5th, 1912.

Hon. M. H. Moriarty, Lansing, Mich.:

Governor Osborn's special message charging mining companies with coercion and intimidation is not founded on fact. Messrs. Richards and Watson are well able to speak for themselves but in opposing the Presidential Primary Bill in its present form they only reflect public sentiment in the entire district. The only intimidation which has been practiced, to my knowledge, was by Governor Osborn himself. Last Friday he wired asking if I would help carry the presidential primary bill through the Senate. I replied that as I understood the bill now proposed it seemed unwise to adopt it. On Saturday morning he called by long distance and said that he resented the opposition to his bill and that if it was not withdrawn he would not only send a special message to the legislature condemning the opposition but would also immediately recommend a tonnage tax. He finally offered to amend the bill providing that one delegate-at-large should be selected from the upper peninsula. I then wired him as follows:

"Ishpeming, Mich., March 2, 1912."

"Hon. Chase S. Osborn, Lansing, Mich.:

"Your proposed amendment providing that one delegate-at-large shall be selected from the Upper Peninsula makes the bill less objectionable but I think this result can only be accomplished by selection of all delegates-at-large in state convention so as to make delegation representative entire state. Have made inquiries and do not find that any unfair or improper pressure has been brought to bear on Senator Moriarty. Think this important public question should be determined on merits and without threats.

"WILLIAM P. BELDEN."

To this telegram the Governor replied as follows:

"Lansing, Mich., March 2, 1912.

"William P. Belden, Ishpeming, Mich.:

"It is said to be impossible to amend bill so as to insure one delegate to Upper Peninsula unless said delegate obtains a majority. The threats began with certain Upper Peninsula interests, particularly Richards and Watson. I will resent these bulldozing tactics with all the power I have. Senator Moriarty supported the Presidential Primary Bill until he was pulled off. I insist he be permitted and urged to vote his sentiments already publicly expressed in a speech in the Senate. Please see to it and avoid a fight that will not end this year. Your course invites reprisals.

"CHASE S. OSBORN."

You are at liberty to use these facts as you think best.

WILLIAM P. BELDEN.

THIRD READING OF BILLS.

Senate bill No. 2 (file No. 2), entitled

A bill to provide a method whereby the enrolled voters of each political party may express their choice for delegates to a national convention called for the purpose of nominating a candidate for president of the United States; to provide for the election of candidates for party presidential electors, making an appropriation for paying the expenses incurred in carrying out the provisions of this act and to provide a tax to meet the same.

Pending the third reading of the bill,

Mr. White moved that consideration of the bill be postponed until tomorrow.

Upon which motion Mr. Mapes demanded the yeas and nays.

The motion made by Mr. White then prevailed, a majority of the Senators present voting therefor by yeas and nays as follows:

YEAS.

Mr. Bradley	Mr. Kline	Mr. Murtha	Mr. Taylor	
Collins	Lee	Putney	Vaughan	
Foster	Leidlein	Scott, F. D.	Ward	
Freeman	Miller	Scott, G. G.	White	
Kingman	Moriarty	Snell		19

NAYS.

Mr. Barnaby	Mr. James	Mr. Rosenkrans	Mr. Watkins	
Conley	Mapes	Vanderwerp	Weter	
Fowle	Newton	Walter	Wiggins	
				12

The bill was placed on the order of unfinished business.

Mr. Cartier moved that the Senate adjourn.

The motion prevailed.

The President declared the Senate adjourned until tomorrow at 2 o'clock p. m.

ELBERT V. CHILSON,
Secretary of the Senate.

EIGHTH DAY.

Lansing, Thursday, March 7, 1912.

2 o'clock p. m.

The Senate met pursuant to adjournment and was called to order by the President.

The roll of the Senate was called by the Secretary.

The following Senators were present:

Messrs. Barnaby, Bradley, Cartier, Collins, Conley, Foster, Fowle, Freeman, James, Kingman, Kline, Lee, Leidlein, Mapes, Miller, Moriarty, Murtha, Newton, Putney, Rosenkrans, F. D. Scott, G. G. Scott, Snell, Taylor, Vanderwerp, Vaughan, Walter, Watkins, Weter, White and Wiggins—31.

The following Senator was absent without leave: Mr. Ward—1.

Mr. Taylor asked and obtained leave of absence for Mr. Ward from today's session, on account of sickness in his family.

Mr. Taylor arose to a question of personal privilege and requested that a correction be made in the Journal of yesterday, inasmuch as the number of petitioners given to petition No. 13, as 631, was the total marked on one of the petitions as the whole number for Kalamazoo county, and was the total number of names contained on a bundle of petitions held together by a rubber band. He stated that the number of names contained in petition No. 13, should be given as 39.

The President directed that the necessary correction be made.

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was received and read:

State of Michigan, Executive Office,
Lansing, March 6, 1912.

To the Forty-Sixth Legislature of the State of Michigan:

Gentlemen:—You are authorized and requested to consider a bill giving cities in Michigan of not less than five thousand population authority to construct or purchase detention hospitals. This particular legislation is to cure a condition at Ann Arbor. The city of Ann Arbor

has planned to join the University of Michigan in a proposition that will insure a contagious disease hospital, which in the event of an epidemic would be a dire necessity and would affect the safety of both the population of Ann Arbor and the University. This is an enabling act. It will provide that the question of bonding shall be submitted to the qualified electors.

Respectfully submitted,
CHASE S. OSBORN,
Governor.

The message was received and ordered spread upon the Journal.

MOTIONS AND RESOLUTIONS.

Mr. Miller offered the following resolution:
Senate resolution No. 19.

Whereas, The legislature has been called in special session to consider the passage of a Presidential Preference Primary Act; and

Whereas, Such act cannot become effective unless the legislature adjourns on or before March ninth, therefore be it

Resolved by the Senate (the House of Representatives concurring), That the legislature now assembled in special session, shall adjourn sine die on March 9, 1912, at 11:59 post meridian on said day.

The question being on the adoption of the resolution,

Mr. Weter moved that the resolution be laid on the table,

Upon which motion,

Mr. Mapes demanded the yeas and nays.

The motion made by Mr. Weter then prevailed, a majority of the Senators present voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Putney	Mr. Vaughan
Bradley	Leidlein	Rosenkrans	Walter
Collins	Mapes	Scott, F. D.	Watkins
Conley	Newton	Vanderwerp	Weter
Fowle			

17

NAYS.

Mr. Foster	Mr. Lee	Mr. Murtha	Mr. Taylor
Freeman	Miller	Scott, G. G.	White
Kingman	Moriarty	Snell	Wiggins
Kline			

13

Mr. Ward entered the Senate Chamber and took his seat.

REPORTS OF STANDING COMMITTEES.

By the Committee on Finance and Appropriations:

The Committee on Finance and Appropriations reports

Senate bill No. 7, entitled

A bill to amend section 1 of Act 107 of the Public Acts of 1911, entitled "An act to provide a tax to meet the several appropriations for which a tax is not otherwise provided for the general expenses of the state government, salaries of the state officers, judicial and other expenses of the state departments and expenses of the legislature for the years 1911 and 1912;"

With the recommendation that the bill pass.

WILLIAM H. BRADLEY,

Chairman.

The report was accepted and adopted and the committee discharged.

Mr. Kline moved that the rules be suspended and that the bill be placed on its immediate passage.

The motion prevailed, two-thirds of the Senators present voting therefor.

The bill was then read a third time and passed, a majority of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Murtha	Mr. Vanderwerp
Bradley	Kingman	Newton	Vaughan
Cartier	Kline	Putney	Walter
Collins	Lee	Rosenkrans	Ward
Conley	Leidlein	Scott, F. D.	Watkins
Foster	Mapes	Scott, G. G.	Weter
Fowle	Miller	Snell	White
Freeman	Moriarty	Taylor	Wiggins

32

NAYS.

0

The title of the bill was agreed to.

Mr. Kline moved that the bill be ordered to take immediate effect.

The motion prevailed, two-thirds of the Senators-elect voting therefor.

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
March 7, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to return to the Senate the following concurrent resolution:

Senate resolution No. 18.

Whereas, Three bills (numbers H. R. 36, H. R. 4428, S. 2367) to

afford federal protection to migratory game birds, have been introduced in congress, and

Whereas, It is believed there is a general sentiment in this State in favor of such protection, now, therefore be it

Resolved (by the Senate, the House of Representatives concurring), That congress be and hereby is requested to enact a law giving ample protection to migratory game birds.

Resolved further, That the Secretary of State be and hereby is directed to transmit copies of this resolution to the Senate and House of Representatives of the United States.

In the adoption of which the House has concurred.

Very respectfully,

CHARLES S. PIERCE,

Clerk of the House of Representatives.

The resolution was referred to the Secretary for record.

The following message from the House was also received and read:

House of Representatives,
March 6, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit the following bill:

House bill No. 5, entitled

A bill to provide for the transfer to the General Repairs Fund of a certain unexpended appropriation for the Michigan State Prison;

And to inform the Senate that the bill has passed the House.

In this action of the House the concurrence of the Senate is respectfully asked.

Very Respectfully,

CHARLES S. PIERCE,

Clerk of the House of Representatives.

The bill was read a first and second time by its title, and pending its reference to a committee,

Mr. Kline moved that the bill be laid on the table.

The motion prevailed.

INTRODUCTION OF BILLS.

Mr. Newton introduced

Senate bill No. 8, entitled

A bill to authorize the construction or purchase of detention hospitals, or for the securing of the care and treatment of persons afflicted with contagious or communicable diseases, in cities within this State having a population of not less than five thousand inhabitants.

The bill was read a first and second time by its title and pending its reference to a committee,

Mr. Newton moved that the rules be suspended, and that the bill be placed on its immediate passage.

The motion prevailed, two-thirds of the Senators present voting therefor.

The bill was then read a third time and passed, a majority of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Murtha	Mr. Vanderwerp	
Bradley	Kingman	Newton	Vaughan	
Cartier	Kline	Putney	Walter	
Collins	Lee	Rosenkrans	Ward	
Conley	Leidlein	Scott, F. D.	Weter	
Foster	Mapes	Scott, G. G.	White	
Fowle	Miller	Snell	Wiggins	
Freeman	Moriarty	Taylor		31

NAYS.

0

The title of the bill was agreed to.

Mr. Newton moved that the bill be ordered to take immediate effect.

The motion prevailed, two-thirds of the Senators-elect voting therefor.

Mr. Leidlein introduced

Senate bill No. 9, entitled

A bill to provide a method whereby the enrolled voters of each political party may express their choice for candidate for President of the United States, and to provide for holding a Presidential Preference Primary.

The bill was read a first and second time by its title, ordered printed and referred to the Committee on Elections.

UNFINISHED BUSINESS.

Being the consideration of

Senate bill No. 2 (file No. 2), entitled

A bill to provide a method whereby the enrolled voters of each political party may express their choice for delegates to a national convention called for the purpose of nominating a candidate for president of the United States; to provide for the election of candidates for party presidential electors, making an appropriation for paying the expenses incurred in carrying out the provisions of this act and to provide a tax to meet the same.

The bill was read a third time, and pending the taking of the vote on the passage thereof,

Mr. White moved that the Senate take a recess for 30 minutes, the time being 2:30 o'clock p. m.,

Upon which motion Mr. Mapes demanded the yeas and nays.

The motion made by Mr. White then prevailed, a majority of the Senators present voting therefor by yeas and nays as follows:

YEAS.

Mr. Collins	Mr. Lee	Mr. Murtha	Mr. Taylor
Foster	Leidlein	Rosenkrans	Vaughan
Freeman	Miller	Scott, G. G.	Ward
Kingman	Moriarty	Snell	White
Kline			

NAYS.

Mr. Barnaby	Mr. Fowle	Mr. Putney	Mr. Watkins	
Bradley	James	Scott, F. D.	Weter	
Cartier	Mapes	Vanderwerp	Wiggins	
Conley	Newton	Walter		15

AFTER RECESS.

3 o'clock p. m.

The Senate was called to order by the President.

A quorum of the Senate was present.

Mr. Mapes moved that the rules be suspended and that the Senate return to the order of Messages from the House,

Upon which motion Mr. Cartier demanded the yeas and nays.

The motion made by Mr. Mapes then did not prevail, two-thirds of the Senators present not voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Rosenkrans	Mr. Watkins	
Bradley	Kingman	Scott, F. D.	Weter	
Cartier	Mapes	Vanderwerp	White	
Conley	Newton	Vaughan	Wiggins	
Fowle	Putney	Walter		19

NAYS.

Mr. Collins	Mr. Lee	Mr. Moriarty	Mr. Snell	
Foster	Leldlein	Murtha	Taylor	
Freeman	Miller	Scott, G. G.	Ward	
Kline				13

The Senate resumed the order of

UNFINISHED BUSINESS.

Being the consideration of

Senate bill No. 2 (file No. 2), entitled

A bill to provide a method whereby the enrolled voters of each political party may express their choice for delegates to a national convention called for the purpose of nominating a candidate for President of the United States; to provide for the election of candidates for party presidential electors, making an appropriation for paying the expenses incurred in carrying out the provisions of this act, and to provide a tax to meet the same.

The question being on the passage of the bill,

Mr. White offered a substitute for the bill having the following title:

A bill to provide for the expression by the qualified enrolled voters of the several political parties of their choice for the nomination by their party, of party candidates for the office of president of the United States.

The question being on receiving the substitute,

Mr. F. D. Scott arose to a point of order and stated that the substitute was not in order, for the reason that it conflicted with Sec. 22 of Art. V of the state constitution, which provides that no bill shall be passed at a special session of the legislature on any other subjects than those expressly stated in the Governor's proclamation or submitted by special message. He stated that the substitute was not of the same subject matter as that contained in the bill under consideration, and was therefore not properly before the Senate.

The President declared the point of order not well taken, and stated that in his judgment the subject matter of the substitute was germane to the original bill.

The question being on receiving the substitute,

Mr. Leidlein moved that the Senate adjourn.

The motion did not prevail.

After extended debate,

Mr. Cartier moved the previous question,

Which motion was seconded.

The question then being "Shall the main question be now put?"

Mr. White withdrew the substitute.

The question being on the passage of

Senate bill No. 2 (file No. 2),

Mr. Mapes moved that the bill be laid on the table.

The motion prevailed.

Mr. F. D. Scott moved that when the Senate adjourns today, it stand adjourned until tomorrow at 9 o'clock, a. m.

The motion did not prevail.

By unanimous consent the Senate returned to the order of

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
March 7, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to return to the Senate the following bill:

Senate bill No. 8, entitled

A bill to authorize the construction or purchase of detention hospitals, or for the securing of the care and treatment of persons afflicted with contagious or communicable diseases, in cities within this state, having a population of not less than five thousand inhabitants.

And to inform the Senate that in the passage of the bill the House has concurred, and has also concurred in ordering the bill to take immediate effect.

Very respectfully,

CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

The following message from the House was also received and read:

House of Representatives,
March 7, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit the following bill:

House substitute for House bill No. 2 (file No. 2), entitled

A bill to provide for the expression by the qualified enrolled voters of the several political parties of their choice for the nomination by their party for the President of the United States, and making an appropriation to carry out the provisions of this act;

And to inform the Senate that the bill has passed the House and has been ordered to take immediate effect.

In this action of the House the concurrence of the Senate is respectfully asked.

Very respectfully,
CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was read a first and second time by its title, and pending its reference to a committee,

Mr. Mapes moved that the rules be suspended and that the bill be placed on its immediate passage.

The motion prevailed, two thirds of the Senators present voting therefor.

The bill was then read a third time and the question being on the passage thereof,

After extended debate,

Mr. Miller moved the previous question,

Which motion was seconded.

The question then being "Shall the main question be now put?"

Mr. Mapes moved that the Senate adjourn,

Upon which motion he demanded the yeas and nays.

The motion prevailed, a majority of the Senators present voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Rosenkrans	Mr. Walter	
Bradley	Leidlein	Scott, F. D.	Watkins	
Cartier	Mapes	Vanderwerp	Weter	
Conley	Newton	Vaughan	Wiggins	
Fowle	Putney			18

NAYS.

Mr. Collins	Mr. Kline	Mr. Murtha	Mr. Taylor	
Foster	Lee	Scott, G. G.	Ward	
Freeman	Miller	Snell	White	
Kingman	Moriarty			14

The President declared the Senate adjourned until tomorrow at 2 o'clock p. m.

ELBERT V. CHILSON,
Secretary of the Senate.

NINTH DAY.

Lansing, Friday, March 8, 1912.

2 o'clock p. m.

The Senate met pursuant to adjournment and was called to order by the President.

The roll of the Senate was called by the Secretary.

The following Senators were present:

Messrs. Barnaby, Bradley, Cartier, Collins, Conley, Foster, Fowle, Freeman, James, Kingman, Kline, Lee, Leidlein, Mapes, Miller, Moriarty, Murtha, Newton, Putney, Rosenkrans, F. D. Scott, G. G. Scott, Snell, Taylor, Vanderwerp, Vaughan, Walter, Ward, Watkins, Weter, White and Wiggins—32.

Mr. Collins moved that when the Senate adjourns today, it stand adjourned until Monday, March 11 at 9 o'clock p. m.

The motion prevailed.

Messrs. Collins, Foster, Fowle, Leidlein, Putney, G. G. Scott, Snell and Vaughan asked and obtained leaves of absence for themselves from the session of Monday, March 11.

ANNOUNCEMENTS FROM THE SECRETARY.

Pursuant to Rule 9 of the Senate Rules, I respectfully report that Senate bill No. 9 (file No. 4),

Has this day been received from the printer and is on file in the document room of the Senate.

ELBERT V. CHILSON,
Secretary of the Senate.

The Secretary also announced that the following bill had been printed and that it was presented to the Governor for approval March 8:

Senate bill No. 8 (enrolled No. 1).

UNFINISHED BUSINESS.

Being the consideration of

House substitute for House bill No. 2 (file No. 2), entitled

A bill to provide for the expression by the qualified enrolled voters

of the several political parties of their choice for the nomination by their party for the President of the United States, and making an appropriation to carry out the provisions of the same.

The question being "Shall the main question be now put?"

The same was ordered.

The question being on the passage of the bill,

The bill was then passed, a majority of the Senators-elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Barnaby	Mr. Fowle	Mr. Putney	Mr. Walter
Bradley	James	Rosenkrans	Ward
Cartier	Leidlein	Scott, F. D.	Watkins
Collins	Mapes	Vanderwerp	Weter
Conley	Newton	Vaughan	Wiggins

20

NAYS.

Mr. Foster	Mr. Kline	Mr. Moriarty	Mr. Snell
Freeman	Lee	Murtha	Taylor
Kingman	Miller	Scott, G. G.	White

12

The title of the bill was agreed to.

Mr. Taylor sent to the Secretary's desk and had read the following explanation of the vote of the Senators, whose names are signed there-to, on the above entitled bill:

In explanation of our votes against the substitute passed by the House on March 7 for a Presidential Primary Bill, commonly known as the Ball Bill, we desire to say that we cannot consistently with our view of the Constitution of the State, vote to give the bill immediate effect, and as it will not be available for 1912 without immediate effect, it will be useless to pass such a bill at this special session.

We are, and have been, prepared to vote for a presidential primary law which can constitutionally be enacted, and as no law to take effect in accordance with the ninety day limitation of the constitution can be available for 1912 unless the legislature passes it and finally adjourns this week, there was sent to the House of Representatives before it adjourned this forenoon to Monday next, a communication by certain of the Senators, in order that the House might not inadvertently forestall all possibility of a presidential primary law. Said communication is as follows:

Lansing, March 8, 1912.

To the House of Representatives:

The undersigned members of the State Senate are favorable to the passage of a presidential preference primary election bill which will not violate the letter or spirit of the State Constitution, as will be possible if prompt action is taken on a bill for a June primary followed by

adjournment on March ninth. We will not, however, vote to give immediate effect to any bill in violation of the constitution.

We respectfully submit this communication because of a reported intent on the part of the House to adjourn until next week before agreement by the House and Senate on a presidential primary bill.

CHARLES E. WHITE.
GUY A. MILLER.
FRED B. KLINE.
LEONARD FREEMAN.
G. G. SCOTT.
EUGENE FOSTER.
M. H. MORIARTY.
A. C. KINGMAN.
L. W. SNELL.
JAMES A. MURTHA.
JAMES H. LEE.
WALTER R. TAYLOR.
NEWTON O. WARD.

We, therefore, affirm that our votes against this bill, or against giving it immediate effect, are not in opposition to the principle of the proposed law, but because we are not willing to do lawlessly what might have been done lawfully.

A. C. KINGMAN.
WALTER R. TAYLOR.
JAMES H. LEE.
LEONARD FREEMAN.
GUY A. MILLER.
CHARLES E. WHITE.
LAWRENCE W. SNELL.
EUGENE FOSTER.
M. H. MORIARTY.
JAMES A. MURTHA.
GEORGE G. SCOTT.
F. B. KLINE.

Mr. Mapes moved that the bill be ordered to take immediate effect, Upon which motion he demanded the yeas and nays.

The President Pro Tem took the chair.

After extended debate,

Mr. Cartier moved the previous question,

Which motion was seconded.

The question then being "Shall the main question be now put?"

The same was ordered.

The question being on the motion made by Mr. Mapes that the bill be ordered to take immediate effect,

The motion did not prevail, two thirds of the Senators-elect not voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. Fowle	Mr. Rosenkrans	Mr. Ward	
Bradley	James	Scott, F. D.	Watkins	
Cartier	Mapes	Vanderwerp	Weter	
Collins	Newton	Vaughan	Wiggins	
Conley	Putney	Walter		19

NAYS.

Mr. Foster	Mr. Leidlein	Mr. Murtha	Mr. Taylor	
Freeman	Miller	Scott, G. G.	White	
Kingman	Moriarty	Snell	President pro tem	
Lee				13

Mr. Mapes moved to reconsider the vote by which the Senate failed to order the bill to take immediate effect.

The motion prevailed.

The question then being on the motion made by Mr. Mapes that the bill be ordered to take immediate effect,

Mr. Mapes moved that the motion be laid on the table.

The motion prevailed.

Mr. Bradley moved that the Senate adjourn.

The motion prevailed.

The President declared the Senate adjourned until Monday, March 11, at 9 o'clock p. m.

ELBERT V. CHILSON,
Secretary of the Senate.

TENTH DAY.

Lansing, Monday, March 11, 1912.

The Senate met pursuant to adjournment and was called to order by the President.

The roll of the Senate was called by the Secretary.

The following Senators were present:

Messrs. Barnaby, Bradley, Cartier, Conley, Freeman, James, Kingman, Kline, Lee, Mapes, Miller, Moriarty, Murtha, Newton, Rosenkrans, G. G. Scott, Taylor, Walter, Watkins, Weter—20.

The following Senators were absent with leave: Messrs. Collins, Foster, Fowle, Leidlein, Putney, F. D. Scott, Snell and Vaughan—8.

The following Senators were absent without leave: Messrs. Vanderwerp, Ward, White and Wiggins—4.

Mr. Newton asked and obtained leave of absence for the absentees from today's session.

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was received and read:

State of Michigan, Executive Office,

Lansing, March 11, 1912.

To the Forty-sixth Legislature of the State of Michigan:

Gentlemen:—You are hereby authorized and requested to give your consideration to a bill or bills to amend section two of Act 313 of the Public Acts of 1887, entitled "An act to provide for the taxation, licensing, and regulation of the business of manufacturing, selling, keeping for sale, furnishing, giving or delivering spirituous and intoxicating, malt, brewed, fermented and vinous liquors in this state, and to repeal all acts inconsistent with the provisions of this act," as amended by Act 291, Public Acts of 1909, and by Act 170, Public Acts of 1911, said amended section being section 5380, Compiled Laws of 1897.

The purpose of this requested legislation is to make it unlawful for brewers, or those engaged in the brewing business, or in the wholesale liquor business, to own, control or to be interested directly or indirectly in any saloon or place where intoxicating or alcoholic liquors of any

kind are sold, purveyed or delivered in a retail manner. This legislation is particularly aimed at the brewery-owned saloon.

In Michigan and throughout the United States and all over the world where excessive use of alcohol is a curse, and one of the gravest dangers that confront mankind, attention is being given to the necessity for bettering conditions. An official British Parliamentary Commission has reported that alcoholic poisoning is the great cause of their national degeneracy. The French government has placarded that country with appeals to the people attributing the decline in the birth rate and the increase in the death rate to the widespread excessive use of alcoholic beverages. The German Emperor has stated that leadership in war and in peace will be held by that nation whose people use the least alcohol and has pointed with serious emphasis to the dangers arising from the excessive use of beer in Germany. All of the countries of Continental Europe are alert in combating the fearful manace. Out of the degeneracy produced by excessive alcoholism, or from the death-some alcoholism produced by degeneracy, and it matters not which because the cause and effect are so intimately associated as to be indeterminate, flow crime, misery, direct and indirect private and public burdens, political abuse, moral breakdown, and all the influences that make for depreciation and destruction of society. The world admits the danger. How can it be avoided?

There may be some questions of human rights and personal liberty involved, and there may be a plane where regulation and prohibition become super-sumptuary. With 11,500 inmates of Michigan State charitable, penal and correctional institutions and thousands more in county houses and private sanitariums, with crime on the increase in our fair state, with the owners of big breweries, through their strings of saloons and otherwise, mischievously and boldly active in endeavors to control elections, legislation and public officials, there is an aroused interest on the part of all classes of citizens.

While there may be some argument as to whether saloons shall be permitted to exist in this state, there is no argument against a declaration that saloons which are notoriously vicious and lawless shall not exist. There are those who argue and sincerely believe that the saloon is the poor man's club. But they have no defense for the vile saloon which is a combination grog shop, den of prostitution, resort of robbers and a gambling hell. In the State of Michigan there are in wet counties 4,366 saloons. In the city of Detroit there are 1,570 saloons, or one for every three hundred persons. In Wayne County there are 1,752 saloons. It is estimated that two-thirds of the saloons in Detroit and more than one-half of those in the state are brewery-owned. This number of saloons, so disproportionate to any need that can be shown by any person, has been made possible because the big brewers of Detroit, Chicago, St. Louis, Milwaukee and elsewhere are in the business of starting, encouraging, capitalizing, owning and controlling saloons. Examination will show that eighty-five per cent of dives are brewery-owned saloons. The evil participation of these big brewers in the saloon business not only constitutes a source of greatest danger to the health, safety and morals of society, but it is unfair to the independent saloon-keeper and to the small brewer who cannot afford to start, own or con-

trol a string of saloons. The man who is thrifty and saves enough money to go into the saloon business and who may try to be a decent saloonkeeper, and who is referred to as such, must compete with the fellow who, without money or character, is set up in business by a big brewer. The brewer finds a flash barkeeper who has a little circle of friends and who is willing to be his man. He is started in business. His fixtures are owned by the brewer, he is bound to buy his beer of the brewer who owns him, and at a greater price than the independent saloonkeeper pays, he is compelled to pay a usurious rate of interest upon the license money and other investment, and in other ways he is made the slave of the brewer as much as any peon ever is.

What is the result? The saloon is more than apt to be located where there is not a sufficient volume of what may be at least termed honest business. Consequently the conscienceless lessee wins his revenue in any manner possible and his only concern is not to be caught at his repeated violation of all the laws that make for human decency and protection. He sells drugged liquors, he rolls and robs his drunken victims, he profits by the prostitution plied by human derelicts, he harbors the white slave traffickers, he gives police officers hush money, he encourages every form of gaming and in fact he gets his money to pay his brewer master in any way possible, just so he gets it. The smug brewer master sits in his office or his parlor and takes this blood money, as did the absentee landlord in Ireland, without thought of its source so long as it is paid to him on time, and it must be paid.

It is within your power to remove this breeding place of vice, the brewery-owned saloon; this evil-baited mantrap that is set to catch the weak and the unwary. Pass a law prohibiting and punishing brewery ownership of saloons and you will have done more for the welfare of Michigan than any other legislature in its history; you will have done a real act for the protection and conservation of our sons and daughters, and those who work until they are overweary, and those who though older are like children in their weakness and lack of self-control, and finally you will have done the only thing that will give the so-called decent saloonkeeper a chance to make of his business a legitimate calling, if such is within the power of mankind. Unless you do this and curb the low saloon curse the day will soon come when the people of Michigan will rise in righteous wrath and wipe out all of the saloons by state-wide prohibition, which obtained in this state from 1856 to 1876. Far down in the hearts of the people they are moral and desire that which is right and wholesome. If they can cure without fanaticism or resorting to extremes they will do so, but in time they will cure.

I also authorize and request your consideration for a bill to amend section one of Act 266 of the Public Acts of 1895, entitled "An act relative to bonds and other obligations, with surety or sureties, and the acceptance as surety thereon of companies qualified to act as such, and the release of such surety, and the safe depositing of assets for which such surety may be liable, and to the charging by fiduciaries of the expense of procuring sureties, and repealing all laws in conflict therewith," as amended by Act No. 106, of the Public Acts of 1897, and Act No. 321 of the Public Acts of 1907, the same being compilers' section 5196, Compiled Laws of 1897.

This proposed legislation has for its purpose the limitation of that iniquitous monopoly the Michigan Bonding and Surety Company, of Detroit. The amendment to the law enabling this company to underwrite liquor dealers' bonds, the force and effect of which could not have been fully understood by the legislature that passed it, gives the Michigan Bonding and Surety Company practically an exclusive monopoly of the business of furnishing bonds for all saloons in Michigan. This Company is owned and controlled by certain big brewers of Michigan. It has a capital of \$500,000, of which \$250,200 is paid up in cash. In lieu of other commissions for organization, or in other words to pay those who promoted it in the legislature, stock to the amount of \$35,000 was issued, making a total paid capital of \$285,200. It has on deposit with the state treasurer \$200,000 in interest bearing securities. This interest of course is collected by the Michigan Bonding and Surety Company. It has paid in claims since organization the small sum of \$16,070. Its net earnings since organization, April 4, 1908, amount to \$196,816.82. So great has been its influence that it has escaped with a taxation on a value of only \$12,820. Its total tax for 1911, city, state, county and road, amounted to \$287.67. The law creating it was drawn in a manner to prevent and avoid competition and it has had exactly the result anticipated. By its monopoly it has a peculiar and sinister hold upon and influence over the saloonkeepers of the entire state. They must pay double the amount usually charged for other bonds; they must do the bidding of the Michigan Bonding and Surety Company or obtain no bonds at all. The connection thus formed between this brewery-owned bonding company and the saloonkeeper is clearly apparent. It makes for a complete organization that can be used most effectively to head off or even destroy any person or persons aiming toward corrective legislation. In every community it has well paid lawyers as agents. They are expected to do and do do the bidding of this bonding company, political and otherwise. Shrewd attorneys are retained for general work. Damage suits against saloons are fought with a vigor and ability that could not be commanded in any other way, resulting in delay and defeat of those who have been damaged by the saloonkeepers, whether widowed mothers of wayward sons and daughters, or wives of drunken husbands.

On February 2, 1910, the Board of Directors of this Michigan Bonding and Surety Company adopted the following resolution which perfectly explains its policy: "Be it resolved that in order not to establish a precedent that settlements with the company are easy to obtain, it is the sense of this meeting to continue appealing the case for a judgment more favorable, and the discouragement of future litigants." This resolution is taken from the official records of the Company and explains why only \$16,070 has been paid for claims in the three and one-half years of its life. In the interest of the welfare of the people of this state the existence of the Michigan Bonding and Surety Company as a practical monopoly should be made impossible under the laws of Michigan.

Respectfully submitted,

CHASE S. OSBORN,
Governor.

The message was ordered spread at length in the Journal.

The following message from the Governor was also received and read :

March 9, 1912.

To the Forty-Sixth Legislature of the State of Michigan:

Gentlemen:—You are authorized to consider a bill or bills amending the Michigan primary election law in such manner as to make it include all or any state officers now elective, and also to consider corrupt practice legislation pertaining to all or any nominations and elections.

This message is in response to House Resolution No. 18, requesting the same.

Respectfully submitted,

CHASE S. OSBORN,
Governor.

The message was ordered spread at length in the Journal.

The following message from the Governor was also received and read :

March 11, 1912.

To the Forty-Sixth Legislature of the State of Michigan:

Gentlemen:—You are authorized and requested to consider a bill amending section 32 of Act No. 205 of the Public Acts of 1887, entitled "An act to revise the laws authorizing the business of banking and to establish a banking department for the supervision of such business."

The purpose of this proposed legislation is to provide that any bank may pledge qualified assets for the purpose of becoming a depository for postal savings funds under the laws of the United States. The Commissioner of the Banking Department of Michigan calls attention to the necessity for this legislation. At present state banks may not directly pledge assets as security for postal funds, which compels them either to evade the law or forego the deposits they might otherwise obtain.

Respectfully submitted,

CHASE S. OSBORN,
Governor.

The message was ordered spread at length in the Journal.

The following message from the Governor was also received and read :

March 11, 1912.

To the Forty-Sixth Legislature of the State of Michigan:

Gentlemen:—You are authorized and requested to consider legislation by and through which the question of amendments to the constitution

shall be submitted to the electors of Michigan providing for the Initiative, Referendum and Recall.

Respectfully submitted,
CHASE S. OSBORN,
Governor.

The message was ordered spread at length in the Journal.

The following message from the Governor was also received and read:

March 11, 1912.

To the Forty-Sixth Legislature of the State of Michigan:

Gentlemen:—You are authorized and requested to consider legislation by and through which the question of an amendment to the constitution shall be submitted to the electors of Michigan providing for giving and insuring the right of suffrage to the women of Michigan.

Respectfully submitted,
CHASE S. OSBORN,
Governor.

The message was ordered spread at length in the Journal.

The following message from the Governor was also received and read:

State of Michigan, Executive Office,
Lansing, March 9, 1912.

To the President of the Senate:

Sir:—I have this day approved, signed and deposited in the office of the Secretary of State

Senate bill No. 8, (enrolled No. 1), being

An act to authorize the construction or purchase of detention hospitals, or for the securing of the care and treatment of persons afflicted with contagious or communicable diseases, in cities within this State having a population of not less than five thousand inhabitants.

Respectfully,
CHASE S. OSBORN,
Governor.

PRESENTATION OF PETITIONS.

Petition No. 25. By Mr. Lee: Resolutions of Capitol Grange No. 540, of Lansing, protesting against the giving of immediate effect to a presidential preference primary bill in violation of the provisions of the State Constitution.

Mr. Lee moved that the resolution be spread at length in the Journal. The motion prevailed.

The following is the resolution:

In view of the fact that there has been a call of a special session of the legislature and our Governor has recommended to the legislature the passage of a presidential preference primary and is urging and using every possible means to get the legislators to violate their oath of office and trample the constitution under foot by giving it immediate effect; be it

Resolved by Capitol Grange No. 540, That we favor a presidential primary, but strongly oppose any effort to violate the plain provisions of the constitution by trying to give immediate effect to such a law.

E. J. CREYTS, Master.

GEO. J. HUME, Overseer.

MRS. BLANCHE WHITLOCK, Secretary.

DORA L. STOCKMAN, Lecturer.

The resolution was referred to the Committee on Elections.

MOTIONS AND RESOLUTIONS.

Mr. James offered the following resolution:

Senate resolution No. 20.

Whereas, The people of Michigan have always been quick to support their state and general government in all of the activities of public duty in both times of peace and war, and they have no feeling of recreancy and believe it is their right and duty to inform public officials whenever there is a proposed movement that will be harmful to the interests of either the state or country; therefore be it

Resolved by the Senate (the House of Representatives concurring), That the legislature of Michigan, representing the people, desires to be recorded as being opposed to the abandonment of Fort Brady at Sault Ste. Marie and Fort Wayne at Detroit. These establishments seem to us to be of great value. There has been a post of some kind at Sault Ste. Marie under four flags; white men established a stockade in 1618, two years before the Pilgrim Fathers landed at Plymouth Rock; General Cass personally pulled down, in 1821, the last foreign flag that floated there. The quarters and equipment at Fort Brady are among the best in the world. They have been copied by the British government. In the vicinity of Fort Brady are government properties that will have cost the United States when completed above thirty million dollars. These are on the border. During the Spanish War dynamite bombs were found in place to destroy the great government canal and locks that form the only connection between Lake Superior and the lower lakes. There is not a healthier spot in the world than Fort Brady. Regular soldiers, after serving detail in the tropics, have been sent there and may continue to be sent there, for the purpose of recuperation and obtaining a complete cure of malarial poisoning. Fort Wayne has great historic value as well. Situated near the largest city in Michigan and on the border, it forms a station for troops whence they can be sent quickly to any portion of the country when needed. It is to be hoped that when a thorough study of the question of army posts has been made, too much weight will not be given to the technical arguments of war officers. Be it further

Resolved, That we respectfully protest against the abandonment of Fort Wayne and Fort Brady; and be it further

Resolved, That we commend the attitude and argument of William Alden Smith, United States Senator from Michigan, in his presentation of the matter in the United States Senate; and be it further

Resolved, That copies of this resolution be sent to the United States Senators and Representatives from Michigan in Washington, by the Secretary of the Senate and Clerk of the House of Representatives.

Mr. G. G. Scott moved that the resolution be laid on the table.

The motion prevailed.

Mr. Cartier offered the following resolution:

Senate resolution No. 21.

Resolved by the Senate (the House of Representatives concurring), That from and after Wednesday, March 13, the two Houses of the Legislature transact no other business than for the enrollment of bills and presentation of the same to the Governor, and that the final adjournment of the Legislature shall be on Thursday, March 14, at 12 o'clock noon.

The question being on the adoption of the resolution,

The resolution was not adopted.

Mr. Kline moved to take from the table

House bill No. 5, entitled

A bill to provide for the transfer to the General Repairs Fund of a certain unexpended appropriation for the Michigan State Prison.

The motion prevailed.

Mr. Kline moved that the rules be suspended and that the bill be placed on its immediate passage.

The motion prevailed, two-thirds of the Senators present voting therefor.

The bill was then read a third time and passed, a majority of the Senators-elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Miller	Mr. Scott, G. G.
Bradley	Kingman	Moriarty	Taylor
Cartier	Kline	Murtha	Walter
Conley	Lee	Newton	Watkins
Freeman	Mapes	Rosenkrans	Weter

NAYS.

20
0

The title of the bill was agreed to.

INTRODUCTION OF BILLS.

Mr. Taylor introduced

Senate bill No. 10, entitled

A bill to amend section 2 of Act No. 313 of the Public Acts of 1887, entitled "An act to provide for the taxation and regulation of the business of manufacturing, selling, keeping for sale, furnishing, giving or

delivering spirituous and intoxicating liquors, and malt, brewed or fermented liquors and vinous liquors in this State, and to repeal all acts or parts of acts inconsistent with the provisions of this act," as amended by Act No. 291 of the Public Acts of 1909, and by Act No. 170 of the Public Acts of 1911, said amended section being compiler's section 5380 of the Compiled Laws of 1897.

The bill was read a first and second time by its title, ordered printed and referred to the Committee on Liquor Traffic.

Mr. Watkins introduced

Senate bill No. 11, entitled

A bill to amend section 1 of Act No. 266 of the Public Acts of 1895, entitled "An act relative to bonds and other obligations, with surety or sureties, and the acceptance as surety thereon of companies qualified to act as such, and the release of such surety, and the safe depositing of assets for which such surety may be liable, and to the charging by fiduciaries of the expense of procuring sureties, and repealing all laws in conflict therewith," as amended by Act No. 106 of the Public Acts of 1897, and by Act No. 321 of the Public Acts of 1907, the same being compiler's section 5196 of the Compiled Laws of 1897.

The bill was read a first and second time by its title, ordered printed and referred to the Committee on Insurance.

Mr. Cartier moved that the Senate adjourn.

The motion prevailed.

The President declared the Senate adjourned until tomorrow at 2 o'clock p. m.

ELBERT V. CHILSON,
Secretary of the Senate.

ELEVENTH DAY.

Lansing, Tuesday, March 12, 1912.

2 o'clock p. m.

The Senate met pursuant to adjournment and was called to order by the President.

The roll of the Senate was called by the Secretary.

The following Senators were present:

Messrs. Barnaby, Bradley, Cartier, Collins, Conley, Foster, Fowle, Freeman, James, Kingman, Kline, Lee, Leidlein, Mapes, Miller, Moriarty, Murtha, Newton, Rosenkrans, F. D. Scott, G. G. Scott, Snell, Taylor, Vanderwerp, Vaughan, Walter, Ward, Watkins, Weter, White and Wiggins—31.

The following Senator was absent without leave: Mr. Putney—1.

Mr. Newton moved that the absentee be excused from today's session.

The motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. James offered the following resolutions:

Senate resolution No. 22.

Whereas, The general appropriation bill now pending in Congress makes no appropriation or provision for the support and maintenance of Fort Brady, Michigan, thus indicating an intention of abolishing such post, and

Whereas, Fort Brady is not in any sense an antiquated, obsolete post, but having been constructed but a few years ago to take the place of the old military post established in 1822 by General Cass, then Governor of the northwest territory, which before reconstruction was antiquated and obsolete, the new post is modern, comfortable, well situated as to sanitary conditions, and occupies an ample site, a large amount of money having been within a few years expended by the government in securing such site and in the construction of such post, and

Whereas, Fort Brady is located near the United States ship canal and locks at the falls of the St. Mary's river, which marks the boundary line between the United States and Canada, in the construction of which the government has expended several million dollars, and is engaged in extensions and improvements on which will be expended several millions more; that the preservation and protection of such canal and locks is

of the first importance to the millions of citizens employing the same; that such importance was so recognized by the war department during the Spanish-American war that when the garrison of United States troops at Fort Brady was ordered to the front a battalion of militia was ordered from Pennsylvania to take its place, and

Whereas, Should all other reasons be deemed inadequate for the retention of the post, it is urged that the health restoring qualities of the climate where Fort Brady is located should be sufficient to insure its retention, support and even its extension. On every occasion troops ordered to Fort Brady from service in the Philippines, in Cuba, or from the South, arriving in bad condition as to health and strength, afflicted with fevers and other ailments incident to semi-tropical and malarial climates, upon arrival at Fort Brady invariably began to improve and in a few months were fully recuperated. Testimony from all the army surgeons who have served at this post can be adduced to establish the value of Fort Brady to the service as a health recuperating station and this to a greater degree than that of other posts,

Therefore, Fully believing the retention and support of Fort Brady as a United States military post of the utmost importance, and that its abandonment as such would be a grave error,

Be it resolved by the Senate of the State of Michigan, (the House of Representatives concurring), That Michigan is opposed to the abandonment of Fort Brady as a United States military post, now or at any time, and that the senators and representatives from Michigan in the congress of the United States be, and they are hereby requested to use every individual and collective effort possible to secure the retention of such post and the appropriation of the funds necessary for its support.

Resolved further, That the Secretary of State be requested to transmit a copy of these resolutions to the Secretary of War, and to each of the Senators and Representatives from Michigan in Congress.

The resolutions were adopted.

REPORTS OF STANDING COMMITTEES.

By the Committee on Judiciary:

The Committee on Judiciary reports

Senate bill No. 3 (file No. 3), entitled

A bill to promote the general health and welfare of the people of this State, relating to the liability of employers for injuries or death sustained by their employes, providing compensation for the accidental injury to or death of employes, and methods for the payment of the same, including the incorporation of mutual associations to insure the payments of such compensation, establishing an industrial accident board, defining its powers, providing for a review of its awards, making an appropriation to carry out the provisions of this act, and restricting the right to compensation or damages in such cases to such as are provided by this act;

With the recommendation that the bill pass.

CHARLES E. WHITE,

Chairman.

The report was accepted and adopted and the committee discharged. The bill was referred to the committee of the whole and placed on the general orders.

INTRODUCTION OF BILLS.

Mr. Snell introduced

Senate concurrent resolution No. 12, entitled

Concurrent resolution proposing an amendment to section 1 of article 3 of the Constitution of this State, relative to the right of women to vote.

The concurrent resolution was read a first and second time by its title, and referred to the Committee on Constitutional Amendments.

Mr. Rosenkrans introduced.

Senate bill No. 13, entitled

A bill to amend section 32 of Act No. 205 of the Public Acts of 1887, entitled "An act to revise the laws authorizing the business of banking, and to establish a banking department for the supervision of such business," the same being compiler's section 6121 of the Compiled Laws of 1897, as amended by Act No. 117 of the Public Acts of 1905.

The bill was read a first and second time by its title and pending its reference to a committee,

Mr. Kingman moved that the rules be suspended, and that the bill be placed on the General Orders.

The motion prevailed, two-thirds of the Senators present voting therefor.

Mr. Moriarty moved that the Senate resolve itself into the committee of the whole on the

GENERAL ORDERS OF THE DAY.

The motion prevailed.

The President called Mr. Taylor to the chair.

After some time spent therein, the committee rose, and through its chairman made the following report:

The committee has had under consideration the following:

Senate bill No. 3 (file No. 3), entitled

A bill to promote the general health and welfare of the people of this State, relating to the liability of employers for injuries or death sustained by their employes, providing compensation for the accidental injury to or death of employes, and methods for the payment of the same, including the incorporation of mutual associations to insure the payments of such compensation, establishing an industrial accident board, defining its powers, providing for a review of its awards, making an appropriation to carry out the provisions of this act, and restricting the right to compensation or damages in such cases to such as are provided by this act;

Has amended the same as follows:

1. By striking out of line 3 of section 15 Part II the words "as soon as practicable" and inserting in lieu thereof the words "within sixty days."

2. By striking out of line 5 of section 15 Part II the word "three" and inserting in lieu thereof the word "six."

3. By striking out of line 7 of section 15 Part II the word "three" and inserting in lieu thereof the word "six."

4. By inserting in line 6 of section 18, Part II, after the word "of" the words "such written."

5. By inserting in line 7 of section 18, Part II, after the word "had" the words "notice or,"

6. By inserting in line 3 of section 21 of Part II, after the word "debts" the words "in case of insolvency every liability for compensation under this act shall constitute a first lien upon all the property of the employers liable therefor, paramount to all other claims or liens, except for wages and taxes, and such liens shall be enforced by order of the court."

7. By inserting in line 4 of section 1, Part III, after the word "chairman" the words "appointments to fill vacancies may be made during recess of the Senate, but shall be subject to confirmation by the Senate at the next ensuing session of the legislature."

8. By striking out of line 14 of section 1, Part IV, the words "as provided in Part V hereof; or" and inserting in lieu thereof the words "under the laws of the State of Michigan."

9. By striking out of line 19 of section 1, Part IV, the word "six" and inserting in lieu thereof the word "five."

10. By striking out of line 14 of section 2, Part IV, the words "the provisions of Part V hereof" and inserting in lieu thereof the words "the laws of the State of Michigan."

11. By striking out all of Part V and renumbering Part VI to read Part V and Part VII to read Part VI.

12. By striking out of line 18 of section 4, Part V, the word "six" and inserting in lieu thereof the word "five."

13. By striking out of line 18 of section 4, Part V, the word "six" and inserting in lieu thereof the word "five."

14. By striking out of line 1 of section 6, Part V, the word "six" and inserting in lieu thereof the word "five."

15. By striking out of line 3 of section 7, Part V, the word "six" and inserting in lieu thereof the word "five."

16. By striking out of line 2 of section 8, Part V, the word "six" and inserting in lieu thereof the word "five."

17. By striking out of section 9, Part V, lines 6, 7 and 8 and line 9 down to the word "the" and inserting in lieu thereof the following "He may employ such deputies and assistants and clerical help as may be necessary, and as the Board of State Auditors may authorize, for the proper administration of said funds and the performance of the duties imposed upon him by the provisions of this act, at such compensation as may be fixed by said Board of State Auditors, and may also remove them."

18. By striking out all of section 6, Part VI, and inserting in lieu thereof a new section to stand as section 6 and to read as follows:

"Sec. 6. The legislature intends that Part V of this act shall be deemed a separable part thereof so that said Part V may fail or be adjudged invalid or unconstitutional, without in any way affecting any other part of this act."

19. By striking out of line 2 of section 7, Part VI, the words "six months after the date on which the same became a law" and inserting in lieu thereof the words "six months after March 15, 1912;"

And has directed its chairman to report the same back to the Senate, asking that the amendments be concurred in; but not having gone through therewith, has directed its chairman to report progress thereon and asks leave to sit again for the further consideration of the bill.

The committee of the whole has also had under consideration the following:

Senate bill No. 13, entitled

A bill to amend section 32 of Act No. 205 of the Public Acts of 1887, entitled "An act to revise the laws authorizing the business of banking, and to establish a banking department for the supervision of such business," the same being compiler's section 6121 of the Compiled Laws of 1897, as amended by Act No. 117 of the Public Acts of 1905;

Has made no amendments thereto, and has directed its chairman to report the same back to the Senate, and recommend that the bill be printed in the Journal and passed.

WALTER R. TAYLOR,
Chairman.

The report was accepted.

The Senate concurred in the amendments made to the first named bill in the report and the committee was granted leave to sit again for the further consideration of the bill.

The Senate concurred in the recommendation of the committee regarding the second named bill in the report and the bill was ordered printed in the Journal and placed on the order of Third Reading of Bills.

The following is the bill:

A bill to amend section 32 of Act No. 205 of the Public Acts of 1887, entitled "An act to revise the laws authorizing the business of banking, and to establish a banking department for the supervision of such business," the same being compiler's section 6121 of the Compiled Laws of 1897, as amended by Act No. 117 of the Public Acts of 1905.

The People of the State of Michigan enact:

Section 1. Section 32 of Act No. 205 of the Public Acts of 1887, entitled "An act to revise the laws authorizing the business of banking, and to establish a banking department for the supervision of such business," the same being compiler's section 6121 of the Compiled Laws of 1897, as amended by Act No. 117 of the Public Acts of 1905, is hereby amended to read as follows:

Sec. 32. All certificates or evidence of deposit made by the proper officers of any bank shall be as effectual to bind the bank as if made

under the common seal thereof; but said bank shall not issue any bill, note, or certificate intended to circulate as money, and no such bank shall issue post notes. No bank or bank officer shall give preference to any depositor or creditor by pledging the assets of the bank as collateral security: (Provided, That any bank may pledge qualified assets for the purpose of becoming a depository for postal savings funds under the laws of the United States): Provided further, That any bank may borrow money for temporary purposes, and may pledge assets of the bank not exceeding fifty per cent in excess of the amount borrowed as collateral security therefor: Provided further, That whenever it shall appear that a bank is borrowing habitually for the purpose of reloaning, the commissioner of the banking department may require such bank to pay off such borrowed money. Nothing herein contained shall prevent any bank from rediscounting in good faith and endorsing any of its negotiable notes. It shall be unlawful for any bank to issue its certificate of deposit for the purpose of borrowing money. Neither shall any bank make partial payments upon certificate of deposit. In no case shall an overdraft of more than ninety days' standing be allowed as an asset of the bank.

By unanimous consent the Senate returned to the order of

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
March 12, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit to the Senate the following concurrent resolution:

House resolution No. 23.

Resolved by the House of Representatives (the Senate concurring), That from and after 12 o'clock noon on Friday, March 15, 1912, the two Houses of the legislature will transact no other business than for the President of the Senate and the Speaker of the House of Representatives to sign enrolled bills for presentation to the Governor, and the entry of the same on the Journal by the Secretary of the Senate and the Clerk of the House of Representatives, and the date of final adjournment of the legislature shall be on Wednesday, March 20, 1912, at 12 o'clock noon.

Which has been adopted by the House, and in which the concurrence of the Senate is respectfully asked.

Very respectfully,

CHARLES S. PIERCE,
Clerk of the House of Representatives.

The question being on concurring in the adoption of the resolution,
The resolution was adopted.

By unanimous consent the Senate returned to the order of

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was received and read:

State of Michigan, Executive Office,

Lansing, March 12, 1912.

To the Forty-sixth Legislature of the State of Michigan:

Gentlemen:—You are authorized and requested to consider a bill to provide for the incorporation of mutual associations of employers who have elected to become subject to the act providing compensation for the accidental injury to or death of employees, and to insure the payments of such compensation.

Respectfully submitted,

CHASE S. OSBORN,
Governor.

The message was ordered spread on the Journal.

By unanimous consent the Senate returned to the order of

INTRODUCTION OF BILLS.

Mr. Moriarty introduced
Senate bill No. 14, entitled

A bill to provide for the incorporation of mutual associations of employers who have elected to become subject to the act providing compensation for the accidental injury to or death of employees, to insure the payments of such compensation.

The bill was read a first and second time by its title, and pending its reference to a committee,

Mr. Moriarty moved that the rules be suspended, and that the bill be printed in the Journal and placed on the General Orders.

The motion prevailed, two-thirds of the Senators present voting therefor.

The following is the bill:

A bill to provide for the incorporation of mutual associations of employers who have elected to become subject to the act providing compensation for the accidental injury to or death of employees, to insure the payments of such compensation.

The People of the State of Michigan enact:

Sec. 1. Any number of persons, firms, partnership associations or corporations, not less than five, who have become subject to the provisions of this act, and who own or operate mills, factories, manufacturing establishments of any and every kind, buildings, stores, hotels and mercantile establishments, or any combination of manufacturing and

mercantile business, mines, quarries, blast furnaces, railroads and transportation companies, telegraph and telephone companies, or who are in engaged in the production or supplying of gas and electricity for lighting, fuel, power, or other purposes; printing, publishing and bookmaking, or in carrying on any other lawful business in the State of Michigan, may, subject to the approval of the Industrial Accident Board, associate together and form an incorporated company for the purpose of mutual insurance of its members against liability for any and all payments which may become due and payable to their employees under the provisions of the act to provide compensation for the accidental injury to or death of employees for death benefits, disability benefits, or otherwise, as in said act set forth: Provided, however, That the persons, firms, or corporations so associating themselves together for the organization of such company shall have on their payrolls at that time not less than ten thousand employees; And provided further, That the Industrial Accident Board may in its discretion, limit the employers forming or joining in the organization of any such company to those engaged in industrial operations of the same general character, or in operations in which the risks and hazards incurred by their employees are more or less similar in nature and extent.

Sec. 2. Such employers so associating shall prepare in duplicate, articles of association, as hereinafter specified, which shall first be submitted to the Industrial Accident Board and the Commissioner of Insurance for their approval, and when approved, one copy thereof shall be filed in the office of the Commissioner of Insurance, and the other copy with the county clerk in the county where the principal office of such company will be maintained. Such articles of association shall be signed by all the incorporators, and shall be acknowledged by them, or by their duly authorized officers or agents, before some officer of the state duly authorized to take acknowledgments of deeds.

Sec. 3. Such articles of association shall set forth:

First. The names of the persons, firms, partnership associations and corporations associating in the first instance, their respective residences, the nature of the business in which they are engaged, and the number of persons employed therein by each of them.

Second. That each and all of such incorporators have elected, with the approval of the Industrial Accident Board, to become subject to the provisions of this act, and are forming this corporation for the purpose of mutually insuring their members against liability for any and all payments which may become due and payable to their employees under the provisions of this act.

Third. The name by which such corporation shall be known.

Fourth. The period for which the company is incorporated, which shall not exceed thirty (30) years.

Fifth. The number of directors, which shall be not less than five (5), nor more than fifteen (15), and the names of the directors for the first year.

Sixth. The place where the office of the company shall be located, which shall be within the State of Michigan.

Sec. 4. Any company formed under this act shall be deemed a party corporate and politic in fact and in name and shall be subject to all

the provisions of the statutes in relation to corporations, so far as they are applicable.

Sec. 5. The incorporators of any company organized under this act shall have power to make such by-laws not inconsistent with the constitution or laws of this state, as may be deemed necessary for the government of its officers and members, and the conduct of its affairs, the admission of new members and regulations governing the assessment and collection of premiums and assessments; but such by-laws shall not become operative until a true copy thereof shall have been filed with and approved by the Industrial Accident Board.

Sec. 6. Upon the approval of the articles of association of such company by the Industrial Accident Board and the Commissioner of Insurance, and upon filing the same with the Commissioner of Insurance and with the county clerk of the county where the principal office of said company will be kept, the Commissioner of Insurance shall grant a license to such company to issue policies.

Sec. 7. The board of directors shall determine the amount of the premiums of assessments which the members of such company shall pay for such insurance, in accordance with the nature of the business in which they are engaged, and the probable risk of injury to their employes under existing conditions. The board may also prescribe when and in what manner such premiums shall be paid, and may change the amount thereof both in respect to any or all of its members from time to time, as circumstances may require and the conditions of their respective plants, establishments or places of work in respect to the safety of their employes may justify, but all such premiums or assessments shall be levied on a basis that shall be fair, equitable and just as among such members; and it shall be the duty of such board of directors to call for the required payment of premiums in such amounts as shall, in their judgment, and subject to the approval of the Industrial Accident Board, be sufficient to enable such company to pay all sums which may become due and payable to the employes of any of its members under the provisions of the act to provide compensation for the accident injury to or death of employes, and also the expenses of conducting its business.

Sec. 8. The company shall in its by-laws and policies fix the contingent mutual liability of its members for the payment of losses and expenses not provided for by its cash funds. Such contingent liability of a member shall not be less than an amount equal to the liability imposed by this act.

Sec. 9. If the company is not possessed of cash funds so that it has unearned premiums sufficient for the payment of incurred losses and expenses, it shall make an assessment for the amount needed to pay such losses and expenses upon the members liable to assessment therefor in proportion to their several liability. Every member shall pay his proportional part of any assessment which may be laid by the board of directors, in accordance with the law and his contract, on account of injuries sustained and expenses incurred while he is a member of such company.

Sec. 10. The board of directors may, from time to time, by vote, fix and determine the amount to be paid as a dividend upon policies expiring during each year after retaining sufficient sums to pay all

the compensation which may be payable on account of injuries sustained and expenses incurred. All premiums, assessments and dividends shall be fixed and determined in accordance with the experience of said company, but all the funds of the company and the contingent liability of all the members thereof, shall be available for the payment of any claim against the company.

Sec. 11. Any proposed premium or assessment required of, or any dividend or distribution made to the members, shall be filed with the Industrial Accident Board, and shall not take effect until approved by said board after such investigation as it may deem necessary.

Sec. 12. The board of directors may make and enforce reasonable rules and regulations, not in conflict with the laws of this state, for the prevention of injuries on the premises of members, and for this purpose the inspectors of the company shall have free access to all such premises during regular working hours. Any member neglecting to provide suitable safety appliances as provided by law or as required by the board of directors may be expelled by a majority vote of all the members. Any member, or employe of any member, aggrieved by any such rule or regulation, may petition the Industrial Accident Board for review, and it may affirm, amend or annul the rule or regulation.

Sec. 13. Any member of said company, who has complied with all its rules, regulations and demands, may withdraw therefrom at the expiration of the period of one year for which he has elected to become subject to the provisions of this act: Provided, however, That he shall give written notice of such withdrawal to said company at least thirty days before the expiration of such period, and provided, further, That if at the time of such withdrawal liability may exist against such member and against said company for compensation to employes who have been theretofore killed or injured as hereinbefore provided, such member shall either relieve himself and said company from such liability in the manner provided in Part IV, Section 4 of the act to provide compensation for the accidental injury to or death of employes or shall otherwise protect and indemnify said company against such liability in such reasonable manner as may be required by the board of directors.

Sec. 14. The business year of every company organized, existing or doing business in this state, under and by virtue of the provisions of this act, shall close on the 31st day of December in each year, and every such company shall within sixty days thereafter prepare, under oath of its president and secretary, and file in the office of the commissioner of insurance of this state, and also with the Industrial Accident Board, a detailed statement showing its assets and how invested, liabilities, receipts from premiums, and all other sources, an itemized account of all expenditures, salaries of officers, number of policies or certificates in force, amount insured thereby, claims paid, and amount paid on each claim, claims reported but not paid, claims contested and why, and shall answer such other questions as the Commissioner of Insurance (who shall furnish blanks for that purpose) may require, in order to ascertain its true financial condition. The commissioner shall publish such annual statements in detail in his annual report.

Sec. 15. If any officer of the company shall falsely make oath to

any certificate required to be filed with the insurance commissioner, he shall be guilty of perjury.

Sec. 16. Any such company formed under this act shall have power to amend its articles of association and by-laws at its regular annual meeting or at special meetings called and held as provided in its by-laws, but said amendments shall, before they become operative, be approved and filed in the same manner as the original articles and by-laws.

Sec. 17. Any such company formed under this act shall have power to own, hold and acquire such real and personal property as shall be necessary for the transaction of its business.

Sec. 18. Any company formed under this act may sue and be sued in any court of law or equity, with the same rights and obligations as a natural person, and in addition to the powers hereinbefore enumerated, shall possess and exercise all such rights and powers as are necessarily incidental to the exercise of the powers expressly granted herein.

By unanimous consent the Senate returned to the order of

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
March 12, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to return to the Senate the following concurrent resolution:

Senate resolution No. 22.

Whereas, The General Appropriation bill now pending in Congress makes no appropriation or provision for the support and maintenance of Fort Brady, Michigan, thus indicating an intention of abolishing such post; and

Whereas, Fort Brady is not in any sense an antiquated, obsolete post, but having been constructed only a few years ago to take the place of the old military post established in 1822 by General Cass, then governor of the Northwest Territory, which before reconstruction was antiquated and obsolete, the new post is modern, comfortable, well situated as to sanitary conditions, and occupies an ample site, a large amount of money having been within a few years expended by the Government in securing such site and in the construction of such post; and

Whereas, Fort Brady is located near the United States Ship Canal and locks, at the falls of the St. Mary's River, which marks the boundary line between the United States and Canada, in the construction of which the Government has expended several million dollars, and is engaged in extensions and improvements on which will be expended several millions more; that the preservation and protection of such canal and locks is of the first importance to the millions of citizens employing the same; that such importance was so recognized by the War Department during the Spanish-American War that when the garrison of United States troops at Fort Brady was ordered to the

front a battalion of militia was ordered from Pennsylvania to take its place; and

Whereas, Should all other reasons be deemed inadequate for the retention of the post, it is urged that the health restoring qualities of the climate where Fort Brady is located should be sufficient to insure its retention, support and even its extension. On every occasion troops ordered to Fort Brady from service in the Philippines, in Cuba, or from the South, arriving in bad condition as to health and strength, afflicted with fevers and other ailments incident to semi-tropical and malarial climates, upon arrival at Fort Brady invariably began to improve and in a few months were fully recuperated. Testimony from all the army surgeons who have served at this post can be adduced to establish the value of Fort Brady to the service as a health recuperating station and this to a greater degree than that of other posts; therefore

Fully believing that the retention and support of Fort Brady as a United States military post is of the utmost importance, and that its abandonment as such would be a grave error; be it

Resolved by the Senate of the state of Michigan (the House concurring), That Michigan is opposed to the abandonment of Fort Brady as a United States military post, now or at any time, and that the senators and representatives from Michigan in the Congress of the United States be, and they are hereby requested to use every individual and collective effort possible to secure the retention of such post and the appropriation of the funds necessary for its support;

Resolved further, That the Secretary of State be requested to transmit a copy of these resolutions to the Secretary of War, and to each of the Senators and Representatives from Michigan in Congress.

In the adoption of which the House has concurred.

Very respectfully,

CHARLES S. PIERCE,

Clerk of the House of Representatives.

The message was referred to the Secretary for record.

Mr. Weter moved that when the Senate adjourns today, it stand adjourned until tomorrow at 10 o'clock a. m.

The motion prevailed.

Mr. Collins moved that the Senate adjourn.

The motion prevailed.

The President declared the Senate adjourned until tomorrow at 10 o'clock a. m.

ELBERT V. CHILSON,
Secretary of the Senate.

TWELFTH DAY.

Lansing, Wednesday, March 13, 1912.

10 o'clock a. m.

The Senate met pursuant to adjournment and was called to order by the President.

The roll of the Senate was called by the Secretary.

The following Senators were present:

Messrs. Barnaby, Bradley, Cartier, Collins, Conley, Foster, Fowle, James, Kingman, Kline, Lee, Leidlein, Mapes, Miller, Moriarty, Murtha, Newton, Putney, Rosenkrans, F. D. Scott, G. G. Scott, Snell, Taylor, Vanderwerp, Vaughan, Walter, Ward, Watkins, Weter, White and Wiggins—31.

The following Senator was absent without leave: Mr. Freeman—1.

Mr. Snell moved that the absentee be excused from today's session.

The motion prevailed.

Mr. Kline asked and obtained leave of absence for himself from tomorrow's session.

Mr. G. G. Scott sent to the Secretary's desk and had read a communication, and moved that the same be spread at length upon the Journal.

The motion prevailed.

The following is the communication:

Romulus, Mich., March 7, 1912.

Hon. George G. Scott, Detroit, Michigan:

Dear Sir:—Noting by the newspapers that the question of woman suffrage may come up before the next session of the Legislature at Lansing, I desire to call your attention to some facts and reasons why it would be unwise and decidedly untimely and I am sure that your intelligent body will not be terrified by threats or stampeded by the lobbying suffragettes contrary to the assertions of the suffragettes who say that the persons opposed to woman suffrage are the liquor interests, bums, thugs, anarchists, ill-advised or ignorant classes, etc., etc. I deny belonging to any of these or similar cliques but have been engaged in christian work all of my life, in City Rescue Mission work and in pastoral and evangelistic work. I have had a fair opportunity to observe and study the sentiment. The matter has never once come up for discussion in all of my ministry and I presume never would were it not for

that leisure class of agitators who constantly hold up the poor hard working girls and women to advance the theory that they need and demand the ballot to ameliorate their sad condition, whereas a thirst for power seems to many conservative thinkers the real reason of the hue and cry of these would-be leaders. I just here will mention the fact that Rev. James M. Buckley, perhaps the brainiest editor or preacher in the M. E. Church is opposed to and has written a book against woman suffrage. The distinguished Catholic prelate, Cardinal Gibbons, said, "I regard woman's rights women and the leaders in the new school of progress as the worst enemies of the female sex." The Detroit Baptist ministers showed, I think, their sentiment by filing a communication from an Equal Suffrage Club without even discussing it. Mrs. K. Croney, president of The Womens' Initiative League of California, an anti-suffrage organization, predicts that the suffrage amendment recently carried there will be defeated by the women and men when it comes up again.

Henry Watterson said: "The mistake of the suffragist equally with the suffragette is in exaggerating the virtues of suffrage."

Mrs. Arthur Dodge, of New York, calls it the yellow peril. Charles H. Petrosky, inspector of the State Dairy and Food Department, says "women are mostly to blame for the impure, adulterated and spoiled foods that get into the home and lays it to the suffragetting faction who spend their time trying to get their fingers in the political pie and don't know how to care for the home."

The Supreme Court of the United States has decided that voting is not a moral right but a privilege. Senator Elihu Root, one of the greatest jurists, said "But if there is any one thing settled it is that voting is not a natural right but simply a means of government." This being true, we ask "Why the ballot?" and the answer being boiled down, seems to be, "Because we woman suffragists want it." Human nature is the same in the sexes in its essence and the absurd claim that politics would be purified by them is easily proven untenable. The Detroit Times, which appears to be a champion of woman suffrage, recently spoke of the effect of the women's vote in the recall and subsequent defeat of Mayor H. C. Gill of Seattle, in glowing terms and prominent place, but how gingerly and inconspicuous was the notice that Vernon, a suburb of Los Angeles, voted for wet Sundays and most of the women voted wet. This suburb without a church is not a palatable subject for suffragists.

The recent vote in New Zealand against prohibition and the Denver two to one wet vote indicate to some people the moral worth of the female vote notwithstanding the Hon. Judge Lindsay to the contrary.

An organization of fashionable Boston ladies voted to apply for a liquor license. Bishop Spaulding of the Episcopal Diocese of Utah said that so long as woman suffrage prevailed in that state it would be utterly impossible to establish laws that would result in the abolition of polygamy.

The question of suffrage involves an endless variety of questions such as woman's ability to legislate intelligently on questions which men have had almost absolute knowledge concerning. It involves property rights, for it is true that if she will nullify her husband's vote by her own he cannot be bound to grant her the privileges and rights that she

now enjoys and her husband cannot be held responsible for her debts, etc. Then the factional strife engendered in the home where one is a Republican, the other a Democrat. Divorce would undoubtedly increase. Neglect of home would naturally follow and what body of women could enforce laws if the male population refused submission. The recent defense of the militant suffragettes in England by one of the few agitators in Detroit is another illustration of the extremes to which they will sometimes go and also a strong argument against handing over the ballot to those who defend that contemptible, unwomanly and undignified conduct as is manifested in destroying thousands of dollars worth of property indiscriminately, and of neutral parties and insulting authorities, biting, scratching, kicking, missile throwing, etc. This kind of conduct the average woman is disgusted with and is not clamoring for the ballot and many men whom I have met just recently are more firmly convinced than ever that woman suffrage is not desirable by a large per cent. of our population. The suffragists attribute every good piece of legislation in suffrage states to women and of course man, the brute, is given full credit for all the bad. Who are asking for the ballot for women:

(a) A small minority of women who clamor for recognition with the public.

(b) A motley company with exaggerated and distorted notions of woman's rights and men's wrongs.

(c) A large number of the leisure class who must have some topic to discuss.

(d) Some honest souls who have been swayed by oratorical sentiment and one-sided argument.

(e) A socialistic class who erroneously believe that the ballot in woman's hand would spell the downfall of the moneyed class.

(f) A small but sincere class who think that it would raise the moral tone.

(g) A class of men who are either so weak or pessimistic or so feminine in their habits of thought and with such a grossly misleading interpretation of scripture as to try to believe that the nature of woman is essentially more angelic than man.

(h) A number who haven't given *much* attention to the question.

(i) And a few others.

Now in conclusion let me say that the oft quoted and misunderstood phrase, "Taxation without representation is tyranny," is quoted with a great deal of gusto. Sydney George Fisher says it is to be understood that they, "The American Colonies" did ask for representation in parliament. They declared it to be impossible. It referred to international relations. The suffragists think that it meant nobody should pay taxes that did not have a vote and quoting "Molly E. Sewell" who said a Justice of the Supreme Court once calmly reminded an indiscreet advocate: "It may be assumed that the Supreme Court of the United States knows something." It knows that there is no essential relation between taxation and representation. It knows that, if this principle proclaimed by the suffragist were adopted, the public income would stop. You, sir, may rest assured that you have back of a negative to this suffrage proposition a large number of men and women who earn-

estly hope that we may be preserved from the strife and bickerings of an election where this matter was voted upon. Thanking you for your perusal and asking your pardon for the length of my letter, I am,

Yours very truly,

REV. DANIEL J. MCTAVISH.

Mr. Taylor sent to the Secretary's desk and asked to have the following telegram read and spread upon the Journal:

Kalamazoo, March 12, 1912.

Senator W. R. Taylor, Lansing, Mich.:

Please express to Senate my indorsement of liability bill.

W. H. STEWART,

Chairman Michigan Federation Committee.

MOTIONS AND RESOLUTIONS.

Mr. Vanderwerp moved that a respectful message be sent to the Governor, requesting him to authorize this special session of the Legislature to consider and pass upon an amendment to Section 3372 of the Compiled Laws of 1897, as amended by the Act No. 114 of the Public Acts of 1909, so that plats of lands outside of incorporated cities and villages must be submitted to the Board of Supervisors for approval before approval by the Auditor General or recording by the Register of Deeds.

The motion prevailed.

Mr. Vanderwerp moved that a respectful message be sent to the Governor, requesting him to authorize this special session of the Legislature to consider and pass upon an amendment to Act No. 274, of the Public Acts of 1911, entitled "An act to prohibit the sale, keeping for sale, loaning, giving away or carrying of concealed weapons, except in certain cases when a license is issued therefor, etc.," so that the act may be made applicable to all the counties in the state, and not confined in its force to only two counties, as at present.

The motion prevailed.

Mr. Cartier offered the following resolution:

Senate resolution No. 23.

Whereas, At the present time there is no provision made under existing laws to care for emergencies or disasters occurring in this state similar to floods or the recent fires in Northern Michigan; therefore be it

Resolved, That His Excellency, the Governor, be respectfully requested to submit a message to this legislature authorizing and permitting the enactment of a law creating a fund to be known as an emergency fund, which fund shall be utilized to alleviate distressed persons and communities in event of conflagrations or disasters as above set forth.

The resolution was adopted.

Senator Freeman entered the Senate Chamber and took his seat.

Mr. Watkins moved that a respectful message be sent to the House asking the return to the Senate of House Resolution No. 23, relative to final adjournment.

Mr. Kline moved that the motion made by Mr. Watkins be laid on the table,

Upon which motion Mr. Mapes demanded the yeas and nays.

The motion made by Mr. Kline then prevailed, a majority of the Senators present voting therefor by yeas and nays as follows:

YEAS.

Mr. Cartier	Mr. Kline	Mr. Murtha	Mr. Vanderwerp	
Collins	Lee	Putney	Vaughan	
Foster	Leidlein	Scott, F. D.	Ward	
Freeman	Miller	Scott, G. G.	White	
Kingman	Moriarty	Snell		19

NAYS.

Mr. Barnaby	Mr. James	Mr. Rosenkrans	Mr. Watkins	
Bradley	Mapes	Taylor	Weter	
Conley	Newton	Walter	Wiggins	
Fowle				13

THIRD READING OF BILLS.

Senate bill No. 13, entitled

A bill to amend section 32 of Act No. 205 of the Public Acts of 1887, entitled "An act to revise the laws authorizing the business of banking, and to establish a banking department for the supervision of such business," the same being compiler's section 6121 of the Compiled Laws of 1897, as amended by Act No. 117 of the Public Acts of 1905;

Was read a third time, and pending the taking of the vote on the passage thereof,

Mr. Rosenkrans moved that that part of Rule 9 of the Senate rules which provides that every bill shall have been printed and in the possession of the Senate at least five days before the vote on the final passage of the same is taken, be suspended for the purpose of placing on its immediate passage the above entitled bill.

The motion prevailed, two-thirds of the Senators present voting therefor.

The question being on the passage of the bill,

Mr. Miller moved to amend the bill as follows:

By inserting in line 7 of section 32 after the word "assets" the words "of the bank."

The question being on receiving the amendment,

The amendment was received, two-thirds of the Senators-elect voting therefor.

The amendment was then adopted.

The question being on the passage of the bill,

The bill was then passed, two-thirds of the Senators-elect voting therefor, by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Putney	Mr. Vaughan
Bradley	Kingman	Rosenkrans	Walter
Cartier	Lee	Scott, F. D.	Ward
Collins	Mapes	Scott, G. G.	Watkins
Conley	Miller	Snell	Weter
Foster	Moriarty	Taylor	White
Fowle	Newton	Vanderwerp	Wiggins
Freeman			

29

NAYS.

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The title of the bill was agreed to.

Mr. Moriarty moved that the Senate resolve itself into the committee of the whole on the

GENERAL ORDERS OF THE DAY.

The motion prevailed.

The President called Mr. Vaughan to the chair.

After some time spent therein, the committee rose, and through its chairman made the following report:

The committee has had under consideration the following:

Senate bill No. 3 (file No. 3), entitled

A bill to promote the general health and welfare of the people of this State, relating to the liability of employers for injuries or death sustained by their employes, providing compensation for the accidental injury to or death of employes, and methods for the payment of the same, including the incorporation of mutual associations to insure the payments of such compensation, establishing an industrial accident board, defining its powers, providing for a review of its awards, making an appropriation to carry out the provisions of this act, and restricting the right to compensation or damages in such cases to such as are provided by this act;

Has made no amendments thereto, and has directed its chairman to report the same back to the Senate, and recommend its passage.

The committee of the whole has also had under consideration the following:

Senate bill No. 14, entitled

A bill to provide for the incorporation of mutual associations of employers who have elected to become subject to the act providing compensation for the accidental injury to or death of employes, to insure the payments of such compensation;

Has amended the same as follows:

By striking out of line 1 of section 4 the word "party" and inserting in lieu thereof the word "body."

And has directed its chairman to report the same back to the Senate, asking that the amendment be concurred in, and recommend that, as amended, the bill pass.

COLEMAN C. VAUGHAN,
Chairman.

The report was accepted.

The President pro tem took the chair.

The Senate concurred in the recommendation of the committee regarding the first named bill in the report and the bill was placed on the order of third reading of bills.

The Senate concurred in the amendment made to the second named bill in the report and the bill was placed on the order of third reading of bills.

By unanimous consent the Senate returned to the order of

THIRD READING OF BILLS.

Senate bill No. 14, entitled

A bill to provide for the incorporation of mutual associations of employers who have elected to become subject to the act providing compensation for the accidental injury to or death of employees, to insure the payments of such compensation;

Was read a third time and, pending the taking of the vote on the passage thereof,

Mr. Mapes moved that that part of Rule 9 of the Senate rules which provides that every bill shall have been printed and in possession of the Senate at least five days before the vote on the final passage of the same is taken, be suspended, for the remainder of the present session of the legislature.

Mr. White moved to amend the motion made by Mr. Mapes to provide that the rule above referred to be suspended for the purpose of placing on its immediate passage Senate bill No. 14.

The amendment was adopted.

The motion as amended was then adopted.

The bill was then passed, a majority of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. Kingman	Mr. Rosenkrans	Mr. Walter
Bradley	Lee	Scott, F. D.	Ward
Collins	Leidlein	Scott, G. G.	Watkins
Conley	Mapes	Snell	Weter
Foster	Miller	Taylor	White
Fowle	Moriarty	Vanderwerp	Wiggins
Freeman	Murtha	Vaughan	President pro tem
James	Putney		30

NAYS.

0

The title of the bill was agreed to.

Mr. White moved that the Senate take a recess until 2:30 o'clock p. m.
The motion prevailed, the time being 11:30 o'clock a. m.

AFTER RECESS.

2:30 o'clock p. m.

The Senate was called to order by the President.
A quorum of the Senate was present.
The Senate took up the order of

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was received and read:

State of Michigan, Executive Office,
Lansing, March 13, 1912.

To the Forty-Sixth Legislature of the State of Michigan:

Gentlemen:—You are hereby authorized and requested to consider and pass upon an amendment to Act No. 274 of the Public Acts of 1911, entitled "An act to prohibit the sale, keeping for sale, loaning, giving away or carrying of concealed weapons, except in certain cases when a license is issued therefor, etc.," so that the act may be made applicable to all the counties in the State, and not confined in its force to only two counties as at present.

This message is in response to a request contained in a motion made by Mr. Vanderwerp in the Senate, Wednesday, March 13.

Respectfully submitted,

CHASE S. OSBORN,
Governor.

The following message from the Governor was also received and read:

State of Michigan, Executive Office,
Lansing, March 13, 1912.

To the Forty-Sixth Legislature of the State of Michigan:

Gentlemen:—You are authorized and requested to consider and pass upon an amendment to Section 3372 of the Compiled Laws of 1897, as amended by Act No. 114 of the Public Acts of 1909, so that plats of lands outside of incorporated cities and villages must be submitted to the board of supervisors for approval before approval by the Auditor General or recording by the Register of Deeds.

This message is in response to a request contained in a motion made by Mr. Vanderwerp in the Senate, Wednesday, March 13.

Respectfully submitted,
CHASE S. OSBORN,
Governor.

The following message from the Governor was also received and read:

State of Michigan, Executive Office,
Lansing, March 13, 1912.

To the Forty-Sixth Legislature of the State of Michigan:

Gentlemen:—You are authorized and requested to consider a bill allowing the Auditor General to pay, out of any money now in the State treasury not otherwise appropriated, certain claims referred to in House resolution No. 25.

This message is in response to the House resolution referred to herein, requesting the same.

Respectfully submitted,
CHASE S. OSBORN,
Governor.

The messages were ordered spread upon the Journal.

By unanimous consent the Senate returned to the order of

MOTIONS AND RESOLUTIONS.

Mr. Moriarty moved that a respectful message be sent to the House, asking the return to the Senate of
Senate bill No. 14, entitled

A bill to provide for the incorporation of mutual associations of employers who have elected to become subject to the act providing com-

pensation for the accidental injury to or death of employes, to insure the payments of such compensation.

The motion prevailed.

Mr. Cartier offered the following resolution:

Senate resolution No. 24.

Resolved, That His Excellency, Governor Chase S. Osborn, be respectfully requested to submit to the legislature a special message authorizing the introduction and passage of an act by the legislature to continue in existence the commission of inquiry provided for by Act 245 of the Public Acts of 1911, to carry on such investigation as may be necessary and observe the workings of any such employers' liability law as may be passed and report the result of its findings to the next regular session of the legislature.

The resolution was adopted.

INTRODUCTION OF BILLS.

Mr. Vanderwerp introduced

Senate bill No. 15, entitled

A bill to amend section 1 of Act No. 274 of the Public Acts of 1911, entitled "An act to prohibit the sale, keeping for sale, loaning, giving away or carrying of certain dangerous weapons; to prevent the carrying of concealed weapons except in certain specified cases when a license is issued therefor; to provide punishment for the violation of the provisions hereof; and to repeal Act No. 129 of the Public Acts of 1887, entitled 'An act to prevent the carrying of concealed weapons and to provide a punishment therefor,' being sections 11513 and 11514 of the Compiled Laws of 1897," and to add a new section thereto.

The bill was read a first and second time by its title, and pending its reference to a committee,

Mr. Vanderwerp moved that the rules be suspended and that the bill be placed on its immediate passage.

The motion prevailed, two-thirds of the Senators present voting therefor.

The bill was then read a third time, and pending the taking of the vote on the passage thereof,

Mr. Taylor moved to amend the bill by striking out Section 11.

The question being on the adoption of the amendment,

The amendment was not adopted.

The question being on the passage of the bill,

The bill was then passed, a majority of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby
Bradley
Cartier
Collins
Conley
Foster

Mr. James
Kingman
Kline
Lee
Leidlein
Mapes

Mr. Murtha
Newton
Putney
Rosenkrans
Scott, F. D.
Scott, G. G.

Mr. Vaughan
Walter
Ward
Watkins
Weter
White

Mr. Fowle
FreemanMr. Miller
MoriartyMr. Snell
Vanderwerp

Mr. Wiggins

31

NAYS.

Mr. Taylor

1

The title of the bill was agreed to.

Mr. Vanderwerp moved that the bill be ordered to take immediate effect.

The motion prevailed, two-thirds of the Senators-elect voting therefor.

Mr. Vanderwerp also introduced

Senate bill No. 16, entitled

A bill to amend section 1 of Act No. 91 of the Session Laws of 1839, entitled "An act to provide for the recording of town plats and for vacating the same in certain cases," being section 3372 of the Compiled Laws of 1897, as amended by Act No. 114 of the Public Acts of 1909.

The bill was read a first and second time by its title and, pending its reference to a committee,

Mr. Vanderwerp moved that the rules be suspended and that the bill be placed on its immediate passage.

The motion prevailed, two-thirds of the Senators present voting therefor.

The bill was then read a third time, and the question being on the passage thereof,

Mr. Miller moved to amend the bill as follows:

1. By inserting in line 51 of section 1, after the word "situated" the words "or to the board of county auditors in counties having such boards."

2. By inserting in line 51 of section 1 after the word "board" the words "of supervisors."

3. By inserting in line 57 of section 1 after the word "plat" the words "in counties having boards of county auditors, such boards of county auditors shall exercise similar powers to those herein conferred upon the several boards of supervisors."

4. By inserting in line 60 of section 1 after the word "supervisors" the words "or board of county auditors."

The question being on the adoption of the amendments,

The amendments were adopted.

The question being on the passage of the bill,

The bill was then passed, a majority of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby
Bradley
Cartier
Collins
Conley
Foster
Fowle
FreemanMr. James
Kingman
Kline
Lee
Leidlein
Mapes
Miller
MoriartyMr. Murtha
Newton
Putney
Rosenkrans
Scott, F. D.
Scott, G. G.
Snell
TaylorMr. Vanderwerp
Vaughan
Walter
Ward
Watkins
Weter
Wiggins

31

NAYS.

0

The title of the bill was agreed to.

Mr. Moriarty moved that the Senate take a recess until 3:45 o'clock p. m.

The motion prevailed, the time being 3:10 o'clock p. m.

AFTER RECESS.

3:45 o'clock p. m.

The Senate was called to order by the President.
A quorum of the Senate was present.

— — —

The Senate took up the order of

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
March 13, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit the following bill:
House bill No. 1 (file No. 1), entitled

A bill to promote the welfare of the people of this state, relating to the liability of employers for injuries or death sustained by their employes, providing compensation for the accidental injury to or death of employes and methods for the payment of the same, establishing an industrial accident board, defining its powers, providing for a review of its awards, making an appropriation to carry out the provisions of this act, and restricting the right to compensation or damages in such cases to such as are provided by this act;

And to inform the Senate that the bill has passed the House.

In this action of the House the concurrence of the Senate is respectfully asked.

Very respectfully,

CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was read a first and second time by its title and, pending its reference to a committee,

Mr. Moriarty moved that the rules be suspended and that the bill be placed on its immediate passage.

The motion prevailed, two-thirds of the Senators present voting therefor.

The bill was then read a third time and the question being on the passage thereof,

Mr. White offered a substitute for the bill having the following title:

A bill to promote the general health and welfare of the people of this State, relating to the liability of employers for injuries or death sustained by their employes, providing compensation for the accidental injury to or death of employes, and methods for the payment of the same, including the incorporation of mutual associations to insure the payments of such compensation, establishing an industrial accident board, defining its powers, providing for a review of its awards, making an appropriation to carry out the provisions of this act, and restricting the right to compensation or damages in such cases to such as are provided by this act.

The question being on receiving the substitute, the substitute was received, a majority of the Senators-elect voting therefor.

The substitute was then adopted.

The question being on the passage of the bill as substituted,

The bill as substituted was then passed, a majority of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Moriarty	Mr. Vanderwerp
Bradley	Kingman	Newton	Vaughan
Cartier	Kline	Putney	Walter
Collins	Lee	Rosenkrans	Ward
Conley	Leidlein	Scott, F. D.	Weter
Foster	Mapes	Snell	White
Fowle	Miller	Taylor	Wiggins
Freeman			

29

NAYS.

Mr. Murtha

Mr. Scott, G. G.

2

The question being on agreeing to the title,

Mr. Moriarty moved to amend the title so as to read as follows:

A bill to promote the general health and welfare of the people of this State, relating to the liability of employers for injuries or death sustained by their employes, providing compensation for the accidental injury to or death of employes, and methods for the payment of the same, establishing an industrial accident board, defining its powers, providing for a review of its awards, making an appropriation to carry out the provisions of this act, and restricting the right to compensation or damages in such cases to such as are provided by this act.

The motion prevailed.

The title of the bill as amended was agreed to.

The following is the substitute:

A bill to promote the general health and welfare of the people of this State, relating to the liability of employers for injuries or death sustained by their employes, providing compensation for the accidental injury to or death of employes, and methods for the payment of the same, establishing an industrial accident board, defining its powers, providing for a review of its awards, making an appropriation to carry out the

provisions of this act, and restricting the right to compensation or damages in such cases to such as are provided by this act.

The People of the State of Michigan enact:

PART I.

MODIFICATION OF REMEDIES.

SECTION 1. In an action to recover damages for personal injury sustained by an employee in the course of his employment, or for death resulting from personal injuries so sustained, it shall not be a defense:

(a) That the employee was negligent unless and except it shall appear that such negligence was wilful;

(b) That the injury was caused by the negligence of a fellow employee;

(c) That the employee had assumed the risks inherent in or incidental to, or arising out of his employment, or arising from the failure of the employer to provide and maintain safe premises and suitable appliances.

SEC. 2. The provisions of section one shall not apply to actions to recover damages for personal injuries sustained by household domestic servants and farm laborers.

SEC. 3. The provisions of section one shall not apply to actions to recover damages for the death of, or for personal injuries sustained by employees of any employer who has elected, with the approval of the industrial accident board hereinafter created, to pay compensation in the manner and to the extent hereinafter provided.

SEC. 4. Any employer who has elected, with the approval of the industrial accident board hereinafter created, to pay compensation as hereinafter provided, shall not be subject to the provisions of section one; nor shall such employer be subject to any other liability whatsoever, save as herein provided, for the death of or personal injury to any employee, for which death or injury compensation is recoverable under this act, except as to employees who have elected in the manner hereinafter provided not to become subject to the provisions of this act.

SEC. 5. The following shall constitute employers subject to the provisions of this act:

1. The state and each county, city, township, incorporated village and school district therein.

2. Every person, firm and private corporation, including any public service corporation, who has any person in service under any contract of hire, express or implied, oral or written, and who, at or prior to the time of the accident to the employee for which compensation under this act may be claimed, shall in the manner provided in the next section, have elected to become subject to the provisions of this act, and who shall not, prior to such accident, have effected a withdrawal of such election, in the manner provided in the next section.

SEC. 6. Such election on the part of the employers mentioned in subdivision two of the preceding section, shall be made by filing with the industrial accident board hereinafter provided for, a written state-

ment to the effect that such employer accepts the provisions of this act, and that he adopts, subject to the approval of said board, one of the four methods provided for the payment of the compensation herein-after specified. The filing of such statement and the approval of said board shall operate, within the meaning of the preceding section, to subject such employer to the provisions of this act and all acts amendatory thereof for the term of one year from the date of the filing of such statement, and thereafter, without further act on his part, for successive terms of one year each, unless such employer shall, at least thirty days prior to the expiration of such first or any succeeding year, file in the office of said board a notice in writing to the effect that he desires to withdraw his election to be subject to the provisions of this act: Provided, however, That such employer so electing to become subject to the provisions of this act shall, within ten days after the approval by said board of his election filed as aforesaid, post in a conspicuous place in his plant, shop, mine or place of work, or if such employer be a transportation company, at its several stations and docks, notice in the form as prescribed and furnished by the industrial accident board to the effect that he accepts and will be bound by the provisions of this act.

SEC. 7. The term "employee" as used in this act shall be construed to mean:

1. Every person in the service of the state, or of any county, city, township, incorporated village or school district therein, under any appointment, or contract of hire, express or implied, oral or written, except any official of the state, or of any county, city, township, incorporated village or school district therein, provided that one, employed by a contractor, who has contracted with a county, city, township, incorporated village, school district or the state, through its representatives, shall not be considered an employee of the state, county, city, township, incorporated village or school district which made the contract.

2. Every person in the service of another under any contract of hire, express or implied, oral or written, including aliens, and also including minors who are legally permitted to work under the laws of the state (who, for the purposes of this act, shall be considered the same and have the same powers to contract as adult employees), but not including any person whose employment is but casual or is not in the usual course of the trade, business, profession, or occupation of his employer.

SEC. 8. Any employee as defined in subdivision one of the preceding section shall be subject to the provisions of this act and of any act amendatory thereof. Any employee as defined in subdivision two of the preceding section shall be deemed to have accepted and shall be subject to the provisions of this act and of any act amendatory thereof if, at the time of the accident upon which liability is claimed:

1. The employer charged with such liability is subject to the provisions of this act, whether the employee has actual notice thereof or not; and

2. Such employee shall not, at the time of entering into his contract of hire, express or implied, with such employer, have given to his employer notice in writing that he elects not to be subject to the provi-

sions of this act; or, in the event that such contract of hire was made before such employer became subject to the provisions of this act, such employe shall have given to his employer notice in writing that he elects not to be subject to such provisions, or without giving either of such notices shall have remained in the service of such employer for thirty days after the employer has filed with said board an election to be subject to the terms of this act. An employe who has given notice to his employer in writing as aforesaid that he elects not to be subject to the provisions of this act, may waive such claim by a notice in writing, which shall take effect five days after it is delivered to the employer or his agent.

PART II.

COMPENSATION.

SECTION 1. If an employe who has not given notice of his election not to be subject to the provisions of this act, as provided in part one, section eight, or who has given such notice and has waived the same as hereinbefore provided, receives a personal injury arising out of and in the course of his employment by an employer who is at the time of such injury subject to the provisions of this act, he shall be paid compensation in the manner and to the extent hereinafter provided, or in case of his death resulting from such injuries such compensation shall be paid to his dependents as hereinafter defined.

SEC. 2. If the employe is injured by reason of his serious and wilful misconduct, he shall not receive compensation under the provisions of this act.

SEC. 3. No compensation shall be paid under this act for any injury which does not incapacitate the employe for a period of at least two weeks from earning full wages, but if incapacity extends beyond the period of two weeks, compensation shall begin on the fifteenth day after the injury: Provided, however, That if such disability continues for eight weeks or longer, such compensation shall be computed from the date of the injury.

SEC. 4. During the first three weeks after the injury the employer shall furnish, or cause to be furnished, reasonable medical and hospital services and medicines when they are needed.

SEC. 5. If death results from the injury, the employer shall pay, or cause to be paid, subject, however, to the provisions of section twelve hereof, in one of the methods hereinafter provided, to the dependents of the employe, wholly dependent upon his earnings for support at the time of the injury, a weekly payment equal to one-half his average weekly wages, but not more than ten dollars nor less than four dollars a week for a period of three hundred weeks from the date of the injury. If the employe leaves dependents only partly dependent upon his earnings for support at the time of his injury, the weekly compensation to be paid as aforesaid shall be equal to the same proportion of the weekly payments for the benefit of persons wholly dependent as the amount contributed by the employe to such partial dependents bears to the

annual earnings of the deceased at the time of his injury. When weekly payments have been made to an injured employe before his death the compensation to dependents shall begin from the date of the last of such payments, but shall not continue more than three hundred weeks from the date of the injury.

SEC. 6. The following persons shall be conclusively presumed to be wholly dependent for support upon a deceased employe:

(a) A wife upon a husband with whom she lives at the time of his death.

(b) A husband upon a wife with whom he lives at the time of her death.

(c) A child or children under the age of sixteen years (or over said age, if physically or mentally incapacitated from earning) upon the parent with whom he is or they are living at the time of the death of such parent, there being no surviving parent. In case there is more than one child thus dependent, the death benefit shall be divided equally among them. In all other cases questions of dependency, in whole or in part, shall be determined in accordance with the fact, as the fact may be at the time of the injury; and in such other cases, if there is more than one person wholly dependent, the death benefit shall be divided equally among them, and persons partly dependent, if any, shall receive no part thereof; if there is no one wholly dependent and more than one person partly dependent, the death benefit shall be divided among them according to the relative extent of their dependency. No person shall be considered a dependent unless a member of the family of the deceased employe, or bears to him the relation of husband or widow, or lineal descendant, or ancestor, or brother, or sister.

SEC. 7. Questions as to who constitute dependents and the extent of their dependency shall be determined as of the date of the accident to the employe, and their right to any death benefit shall become fixed as of such time, irrespective of any subsequent change in conditions; and the death benefit shall be directly recoverable by and payable to the dependent or dependents entitled thereto, or their legal guardians or trustees. In case of the death of one such dependent his proportion of such compensation shall be payable to the surviving dependents pro rata. Upon the death of all such dependents compensation shall cease. No person shall be excluded as a dependent who is a non-resident alien. No dependent of an injured employe shall be deemed, during the life of such employe, a party in interest to any proceeding by him for the enforcement of collection of any claim for compensation, nor as respects the compromise thereof by such employe.

SEC. 8. If the employe leaves no dependents the employer shall pay, or cause to be paid as hereinafter provided, the reasonable expense of his last sickness and burying, which shall not exceed two hundred dollars.

SEC. 9. While the incapacity for work resulting from the injury is total, the employer shall pay, or cause to be paid as hereinafter provided, to the injured employe a weekly compensation equal to one-half his average weekly wages, but not more than ten dollars nor less than four dollars a week; and in no case shall the period covered by such

compensation be greater than five hundred weeks, nor shall the total amount of all compensation exceed four thousand dollars.

SEC. 10. While the incapacity for work resulting from the injury is partial, the employer shall pay, or cause to be paid as hereinafter provided, to the injured employe a weekly compensation equal to one-half the difference between his average weekly wages before the injury and the average weekly wages which he is able to earn thereafter, but not more than ten dollars a week; and in no case shall the period covered by such compensation be greater than three hundred weeks from the date of the injury. In cases included by the following schedule the disability in each such case shall be deemed to continue for the period specified; and the compensation so paid for such injury shall be as specified therein, to-wit:

For the loss of a thumb, fifty per centum of the average weekly wages during sixty weeks.

For the loss of a first finger, commonly called index finger, fifty per centum of average weekly wages during thirty-five weeks.

For the loss of a second finger, fifty per centum of average weekly wages during thirty weeks.

For the loss of a third finger, fifty per centum of average weekly wages during twenty weeks.

For the loss of a fourth finger, commonly called little finger, fifty per centum of average weekly wages during fifteen weeks.

The loss of the first phalange of the thumb, or of any finger, shall be considered to be equal to the loss of one-half of such thumb, or finger, and compensation shall be one-half the amounts above specified.

The loss of more than one phalange shall be considered as the loss of the entire finger or thumb: Provided, however, That in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of a great toe, fifty per centum of average weekly wages during thirty weeks.

For the loss of one of the toes other than a great toe, fifty per centum of average weekly wages during ten weeks.

The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be one-half of the amount above specified.

The loss of more than one phalange shall be considered as the loss of the entire toe.

For the loss of a hand, fifty per centum of average weekly wages during one hundred and fifty weeks.

For the loss of an arm, fifty per centum of average weekly wages during two hundred weeks.

For the loss of a foot, fifty per centum of average weekly wages during one hundred and twenty-five weeks.

For the loss of a leg, fifty per centum of average weekly wages during one hundred and seventy-five weeks.

For the loss of an eye, fifty per centum of average weekly wages during one hundred weeks.

The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or of any two thereof, shall constitute total and permanent

disability, to be compensated according to the provisions of section nine.

The amounts specified in this clause are all subject to the same limitations as to maximum and minimum as above stated.

SEC. 11. The term "average weekly wages" as used in this act is defined to be one fifty-second part of the average annual earnings of the employe. If the injured employe has not worked in the employment in which he was working at the time of the accident, whether for the employer or not, during substantially the whole of the year immediately preceding his injury, his average annual earnings shall consist of three hundred times the average daily wage or salary which he has earned in such employment during the days when so employed. If the injured employe has not worked in such employment during substantially the whole of such immediately preceding year, his average annual earnings shall consist of three hundred times the average daily wage or salary which an employe of the same class working substantially the whole of such immediately preceding year in the same or a similar employment in the same or a neighboring place, shall have earned in such employment during the days when so employed. In cases where the foregoing methods of arriving at the average annual earnings of the injured employe cannot reasonably and fairly be applied, such annual earnings shall be taken at such sum as, having regard to the previous earnings of the injured employe, and of other employes of the same or most similar class, working in the same or most similar employment, in the same or neighboring locality, shall reasonably represent the annual earning capacity of the injured employe at the time of the accident in the employment in which he was working at such time. The fact that an employe has suffered a previous disability, or received compensation therefor, shall not preclude compensation for a later injury, or for death, but in determining compensation for the later injury, or death, his average annual earnings shall be such sum as will reasonably represent his annual earning capacity at the time of the later injury in the employment in which he was working at such time and shall be arrived at according to and subject to the limitations of the provisions of this section. The weekly loss in wages referred to in this act shall consist of such percentage of the average weekly earnings of the injured employe, computed according to the provisions of this section, as shall fairly represent the proportionate extent of the impairment of his earning capacity in the employment in which he was working at the time of the accident, the same to be fixed as of the time of the accident, but to be determined in view of the nature and extent of the injury.

SEC. 12. The death of the injured employe prior to the expiration of the period within which he would receive such weekly payments shall be deemed to end such disability and all liability for the remainder of such payments which he would have received in case he had lived shall be terminated, but the employer shall thereupon be liable for the following death benefits in lieu of any further disability indemnity:

If the injury so received by such employe was the proximate cause of his death, and such deceased employe leaves dependents, as hereinbefore specified, wholly or partially dependent on him for support, the death benefit shall be a sum sufficient, when added to the indemnity which

shall at the time of death have been paid or become payable under the provisions of this act to such deceased employe, to make the total compensation for the injury and death (exclusive of medical and hospital services and medicines furnished as provided in section four hereof) equal to the full amount which such dependents would have been entitled to receive under the provisions of section five hereof in case the accident had resulted in immediate death, and such benefits shall be payable in weekly installments in the same manner and subject to the same terms and conditions in all respects as payments made under the provisions of said section five.

SEC. 13. No savings or insurance of the injured employe, nor any contribution made by him to any benefit fund or protective association independent of this act, shall be taken into consideration in determining the compensation to be paid hereunder, nor shall benefits derived from any other sources than those paid or caused to be paid by the employer as herein provided, be considered in fixing the compensation under this act.

SEC. 14. If an injured employe is mentally incompetent or is a minor at the time when any right or privilege accrues to him under this act, his guardian or next friend may in his behalf claim and exercise such right or privilege.

SEC. 15. No proceedings for compensation for an injury under this act shall be maintained unless a notice of the injury shall have been given to the employer within sixty days after the happening thereof, and unless the claim for compensation with respect to such injury shall have been made within six months after the occurrence of the same; or, in case of the death of the employe, or in the event of his physical or mental incapacity, within six months after death or the removal of such physical or mental incapacity.

SEC. 16. The said notice shall be in writing, and shall state in ordinary language the time, place and cause of the injury; and shall be signed by the person injured, or by a person in his behalf, or, in the event of his death, by his dependents or by a person in their behalf.

SEC. 17. The notice shall be served upon the employer or an agent thereof. Such service may be made by delivering said notice to the person on whom it is to be served, or leaving it at his residence or place of business, or by sending it by registered mail addressed to the person or corporation on whom it is to be served, at his last known residence or place of business.

SEC. 18. A notice given under the provisions of this act shall not be held invalid or insufficient by reason of any inaccuracy in stating the time, place or cause of the injury, unless it is shown that it was the intention to mislead, and the employer (or the insurance company carrying such risk or the commissioner of insurance as the case may be) was in fact misled thereby. Want of such written notice shall not be a bar to proceedings under this act, if it be shown that the employer had notice or knowledge of the injury.

SEC. 19. After an employe has given notice of an injury, as provided by this act, and from time to time thereafter during the continuance of his disability he shall, if so requested by the employer (or the insurance company carrying such risk, or the commissioner of insurance,

as the case may be) submit himself to an examination by a physician or surgeon authorized to practice medicine under the laws of the state furnished and paid for by the employer (or the insurance company carrying such risk, or the commissioner of insurance, as the case may be). The employe shall have the right to have a physician provided and paid for by himself present at the examination. If he refuses to submit himself for the examination, or in any way obstructs the same, his right to compensation shall be suspended, and his compensation during the period of suspension may be forfeited. Any physician who shall make or be present at any such examination may be required to testify under oath as to the results thereof.

SEC. 20. No agreement by an employe to waive his rights to compensation under this act shall be valid.

SEC. 21. No payment under this act shall be assignable or subject to attachment or garnishment, or be held liable in any way for any debts. In case of insolvency every liability for compensation under this act shall constitute a first lien upon all the property of the employers liable therefor, paramount to all other claims or liens, except for wages and taxes, and such liens shall be enforced by order of the court.

SEC. 22. Whenever any weekly payment has been continued for not less than six months, the liability therefor may be redeemed by the payment of a lump sum by agreement of the parties, subject to the approval of the industrial accident board, and said board may at any time direct in any case, if special circumstances be found which in its judgment require the same, that the deferred payments be commuted on the present worth thereof at five per cent per annum to one or more lump sum payments, and that such payments shall be made by the employer (or the insurance company carrying such risk or commissioner of insurance, as the case may be).

PART III.

PROCEDURE.

SECTION 1. There is hereby created a board which shall be known as the industrial accident board, consisting of three members to be appointed by the governor, by and with the advice and consent of the senate, one of whom shall be designated by the governor as chairman.

Appointments to fill vacancies may be made during recess of the Senate, but shall be subject to confirmation by the Senate at the next ensuing session of the legislature. The term of office of members of this board shall be six years except that when first constituted one member shall be appointed for two years, one for four years, and one for six years. Thereafter one member shall be appointed every second year for the full term of six years.

SEC. 2. The salary of the chairman shall be five thousand dollars a year, and the salary of each of the other two members so appointed by the governor shall be four thousand five hundred dollars per year. The board may appoint a secretary at a salary of not more than three thousand dollars a year, and may remove him. The board shall be

provided with an office in the capitol, or in some other suitable building in the city of Lansing, in which its records shall be kept, and it shall also be provided with necessary office furniture, stationery and other supplies. It shall provide itself with a seal for the authentication of its orders, awards and proceedings, upon which shall be inscribed the words "Industrial Accident Board—Michigan—Seal." It shall employ such assistants and clerical help as it may deem necessary and fix the compensation of all persons so employed. The members of the board and its assistants shall be entitled to receive from the state their actual and necessary expenses while traveling on the business of the board; but such expenses shall be sworn to by the person who incurred the same, and be approved by the chairman of the board before payment is made. All such salaries and expenses of said board and its assistants authorized by this act shall be audited and paid out of the general funds of the state, the same as other general state expenses are audited and paid.

SEC. 3. The board may make rules not inconsistent with this act for carrying out the provisions of the act. Process and procedure under this act shall be as summary as reasonably may be. The board or any member thereof shall have the power to administer oaths, subpoena witnesses and to examine such parts of the books and records of the parties to a proceeding as relate to questions in dispute.

SEC. 4. The board shall cause to be printed and furnish free of charge to any employer or employe such blank forms as it shall deem requisite to facilitate or promote the efficient administration of this act; it shall provide a proper record book in which shall be entered and indexed the name of any employer who shall file a statement of election under this act, and the date of the filing thereof and its approval by such board, and a separate book in which shall be entered and indexed the name of every employer who shall file his notice of withdrawal of said election, and the date of the filing thereof; and books in which shall be recorded all orders and awards made by the board; and such other books or records as it shall deem required by the proper and efficient administration of this act; all such records to be kept in the office of the board. Upon the filing of a statement of election by an employer to become subject to the provisions of this act, the board shall forthwith cause such notice of the fact to be given by requiring said employer to post such notice as hereinbefore provided; and the board shall likewise cause notice to be given of the filing of any withdrawal of such election; but notwithstanding the failure to give, or the insufficiency of, any such notice, knowledge of all filed statements of election and notices of withdrawal of election, and of the time of the filing of the same, shall conclusively be imputed to all employes.

SEC. 5. If the employer (or the insurance company carrying such risk or commissioner of insurance, as the case may be) and the injured employe reach an agreement in regard to compensation under this act, a memorandum of such agreement shall be filed with the industrial accident board, and, if approved by it, shall be deemed final and binding upon the parties thereto. Such agreements shall be approved by said board only when the terms conform to the provisions of this act.

SEC. 6. If the employer (or the insurance company carrying such

risk or the commissioner of insurance, as the case may be) and the employe fail to reach an agreement in regard to compensation under this act, either party may notify the industrial accident board, who shall thereupon call for the formation of a committee of arbitration. The committee of arbitration shall consist of three members, one of whom shall be a member of the industrial accident board, and shall act as chairman. The other two members shall be named respectively by the two parties.

SEC. 7. It shall be the duty of the industrial accident board, upon notification that the parties have failed to reach an agreement, to request both parties to appoint their respective representatives on the committee of arbitration. The board shall designate one of its members to act as chairman, and, if either party does not appoint its member on this committee within seven days after notification as above provided, the board or any member thereof shall fill the vacancy and notify the parties to that effect.

SEC. 8. The committee of arbitration shall make such inquiries and investigations as it shall deem necessary. The hearings of the committee shall be held at the locality where the injury occurred, and the decision of the committee shall be filed with the industrial accident board. Unless a claim for a review is filed by either party within seven days, the decision shall stand as the decision of the industrial accident board.

SEC. 9. The industrial accident board or any member thereof may appoint a duly qualified impartial physician to examine the injured employe and to report. The fee for this service shall be five dollars and traveling expenses, but the board may allow additional reasonable amounts in extraordinary cases.

SEC. 10. The arbitrators named by or for the parties to the dispute shall each receive five dollars a day for his services, but the industrial accident board or any member thereof may allow additional reasonable amounts in extraordinary cases. The fees of such arbitrators and other costs of such arbitration, not exceeding, however, the taxable costs allowed in suits at law in the circuit courts of this state, shall be fixed by the board and paid by the state as the other expenses of the board are paid. The fees and the payment thereof of all attorneys and physicians for services under this act shall be subject to the approval of the industrial accident board.

SEC. 11. If a claim for review is filed, as provided in part three, section eight, the industrial accident board shall promptly review the decision of the committee of arbitration and such records as may have been kept of its hearings, and shall also if desired hear the parties, together with such additional evidence as they may wish to submit, and file its decision therein with the records of such proceedings. Such review and hearing may be held in its office at Lansing or elsewhere as the board shall deem advisable.

SEC. 12. The findings of facts made by said industrial accident board acting within its powers, shall, in the absence of fraud, be conclusive, but the supreme court shall have power to review questions of law involved in any final decision or determination of said industrial accident board: Provided, That application is made by the aggrieved party with-

in thirty days after such determination by certiorari, mandamus or by any other method permissible under the rules and practice of said court or the laws of this state, and to make such further orders in respect thereto as justices may require.

SEC. 13. Either party may present a certified copy of the decision of such industrial accident board approving agreements of settlement as provided in part three, section five hereof, or of the decision of such committee of arbitration when no claim for review is made as provided in part three, section eight, or of the decision of such industrial accident board when a claim for review is filed as provided in part three, section eleven, providing for payment of compensation under this act, to the circuit court for the county in which such accident occurred, whereupon said court shall, without notice, render a judgment in accordance therewith against said employer and also against any insurance company carrying such risk under the provisions of this act; which judgment, until and unless set aside shall have the same effect as though duly rendered in an action duly tried and determined by said court, and shall, with like effect, be entered and docketed.

SEC. 14. Any weekly payment under this act may be reviewed by the industrial accident board at the request of the employer (or the insurance company carrying such risks or the commissioner of insurance as the case may be) or of the employe; and on such review it may be ended, diminished or increased, subject to the maximum and minimum amounts above provided, if the board finds that the facts warrant such action.

SEC. 15. If the committee of arbitration, industrial accident board, or any court before whom any proceedings are brought under this act determines that such proceedings have been brought, prosecuted or defended without reasonable ground, it shall assess the whole cost of the proceedings upon the party who has so brought, prosecuted or defended them, and in case such costs are assessed against any employe, may deduct same from any compensation awarded under this act.

SEC. 16. Where the injury for which compensation is payable under this act was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof, the employe may at his option proceed either at law against that person to recover damages, or against the employer for compensation under this act, but not against both, and if compensation be paid under this act the employer may enforce for his benefit (or for that of the insurance company carrying such risk or the commissioner of insurance, as the case may be) the liability of such other person.

SEC. 17. All questions arising under this act, if not settled by agreement by the parties interested therein, shall, except as otherwise herein provided, be determined by the industrial accident board.

SEC. 18. Every employer shall hereafter keep a record of all injuries, fatal or otherwise, received by his employes in the course of their employment. Within ten days after the occurrence of an accident resulting in personal injury a report thereof shall be made in writing to the industrial accident board on blanks to be procured from the board for that purpose. The said reports shall contain the name and nature of the business of the employer, the location of his establishment or

place of work, the name, age, sex and occupation of the injured employe, and shall state the time, the nature and cause of the injury, and such other information as may be required by the board. Any employer who refuses or neglects to make the report required by this section shall be punished by a fine of not more than fifty dollars for each offense.

PART IV.

METHODS OF PAYMENT.

SECTION 1. Every employer filing his election to become subject to the provisions of this act, as hereinbefore set forth, shall have the right to specify at the time of doing so, subject to the approval of said industrial accident board, which of the following methods for the payment of such compensation he desires to adopt, to wit:

First. Upon furnishing satisfactory proof to said board of his solvency and financial ability to pay the compensation and benefits hereinbefore provided for, to make such payments directly to his employes, as they may become entitled to receive the same under the terms and conditions of this act; or

Second. To insure against such liability in any employers' liability company authorized to take such risks in the state of Michigan; or

Third. To insure against such liability in an employers' insurance association organized under the laws of the State of Michigan;

Fourth. To request the commissioner of insurance of the state of Michigan to assume the administration of the disbursement of such compensation exclusive of that provided for in part two, section four herein, and the collection of the premiums and assessments necessary to pay the same, as provided in part five hereof. Said board, however, shall have the right, from time to time to review and alter its decision in approving the election of such employer to adopt any one of the foregoing methods of payment, if in its judgment such action is necessary or desirable to secure and safeguard such payments to employes.

SEC. 2. Nothing herein shall affect any existing contract for employers' liability insurance or affect the organization of any mutual or other insurance company, or any arrangement now existing between employers and employes, providing for the payment to such employes, their families, dependents or representatives, sick, accident or death benefits, in addition to the compensation provided for by this act. But liability for compensation under this act shall not be reduced or affected by any insurance, contribution or other benefit whatsoever, due to or received by the person entitled to such compensation, and the person so entitled shall, irrespective of any insurance or other contract, have the right to recover the same directly from the employer; and in addition thereto, the right to enforce in his own name, in the manner provided in this act, the liability of any insurance company or of any employers' association organized under laws of the State of Michigan, or the commissioner of insurance, who may, in whole or in part, have insured the liability for such compensation: Provided, however, That payment in whole or in part of such compensation by either the employer (or the

insurance company carrying such risk or the commissioner of insurance, as the case may be) shall, to the extent thereof be a bar to recovery against the other, of the amount so paid.

SEC. 3. Every contract for the insurance of the compensation herein provided for, or against liability therefor, shall be deemed to be made subject to the provisions of this act, and provisions thereof inconsistent with this act shall be void. No company shall enter into any such contract for insurance, unless such company shall have been approved by the commissioner of insurance as provided by law.

SEC. 4. Any employer against whom liability may exist for compensation under this act may, with the approval of the industrial accident board, be relieved therefrom by:

1. Depositing the present value of the total unpaid compensation for which such liability exists, assuming interest at three per centum per annum, with such trust company of this state as shall be designated by the employee) or by his dependents, in case of his death, and such liability exists in their favor) or in default of such designation by him (or them) after ten days' notice in writing from the employer, with such trust company of this state as shall be designated by the industrial accident board; or

2. By the purchase of an annuity, within the limitations provided by law, in any insurance company granting annuities and licensed in this state, which may be designated by the employee, or his dependents, or the industrial accident board, as provided in subsection one of this section.

PART V.

ADMINISTRATION BY COMMISSIONER OF INSURANCE.

SECTION 1. Whenever five or more employers, who have become subject to the provisions of this act, and who have on their pay-rolls an aggregate number of not less than ten thousand employes, shall in writing request the commissioner of insurance so to do, he shall assume charge of levying and collection from them of such premium and dividends as may from time to time be necessary to pay the sums which shall become due their employes, or dependents of their employes, as compensation under the provisions of this act, and also the expense of conducting the administration of such funds; and shall disburse the same to the persons entitled to receive such compensation under the provisions of this act: Provided, however, That neither the commissioner of insurance nor the state of Michigan shall become or be liable or responsible for the payment of claims for compensation under the provisions of this act beyond the extent of the funds so collected and received by him as hereinafter provided.

SEC. 2. The commissioner of insurance shall immediately upon assuming the administration of the collection and disbursement of the moneys referred to in the preceding section, cause to be created in the state treasury a fund to be known as "accident fund." As accidents occur and are reported from time to time, each such employer shall contribute to this fund to the extent of such premiums or assessments as the com-

missioner shall deem necessary to pay the compensation accruing under this act to employes of such employers or to their dependents, which premiums and assessments shall be levied in the manner and proportion hereinafter set forth.

SEC. 3. It is the intention that the amounts raised for such fund shall ultimately become neither more nor less than self-supporting and the premiums or assessments levied for such purpose shall be subject to readjustment from time to time by the commissioner of insurance as may become necessary.

SEC. 4. The commissioner of insurance may classify the establishments or works of such employers in groups in accordance with the nature of the business in which they are engaged and the probable risk of injury to their employes under existing conditions. He shall determine the amount of the premiums or assessments which such employers shall pay to said accident fund, and may prescribe when and in what manner such premiums and assessments shall be paid, and may change the amount thereof both in respect to any or all of such employers from time to time, as circumstances may require, and the condition of their respective plants, establishments or places of work in respect to the safety of their employes may justify, but all such premiums or assessments shall be levied on a basis that shall be fair, equitable and just as among such employers. It shall be the duty of the commissioner of insurance to call for the required payment of premiums in such amounts as shall, in his judgment, and subject to the approval of said industrial accident board, be sufficient to enable him to pay all sums which may become due and payable to the employes of any such employer who has become subject to the provisions of part five of this act, and also the expenses of administering such funds.

SEC. 5. If any employer shall make default in the payment of any contribution, premium or assessment required as aforesaid by the commissioner of insurance, the sum due shall be collected by an action at law in the name of the state as plaintiff, and such right of action shall be in addition to any other right of action or remedy. In case any injury happens to any of the workmen of such employer during the period of any default in the payment of any such premium, assessment or contribution, the defaulting employer shall not, if such default be after demand for payment, be entitled to the benefits of this act, but shall be liable to suit by the injured workman (or by his dependents in case death results from such accident) as if he had not elected to become subject to this act. In case, however, the amount actually collected in such action by such injured workman or his dependents, shall equal or exceed the compensation to which the plaintiff therein would be entitled under this act, the plaintiff shall not be paid anything out of said accident fund. If the said amount shall be less than such compensation under this act, the accident fund shall contribute the amount of the deficiency. The person so entitled under the provisions of this section shall have the choice (to be exercised before suit) of proceeding by suit or taking under this act. If such person shall take under this act, the cause of action against the employer shall be assigned to the state for the benefit of the accident fund.

SEC. 6. Any employer subject to the provisions of part five of this

act, who has complied with all the rules, regulations and demands of the industrial accident board and the commissioner of insurance, may withdraw therefrom at the expiration of the period of one year for which he has elected to become subject to the provisions of this act: Provided, however, That he shall give written notice of such withdrawal to said commissioner of insurance at least thirty days before the expiration of such period: And provided further, That if at the time of such withdrawal liability may exist against employer for compensation to employees who have been theretofore killed or injured, as hereinbefore provided, such employer shall either relieve himself and the commissioner of insurance from such liability in the manner provided in part four, section four of this act, or shall otherwise protect and indemnify said commissioner of insurance against such liability in such reasonable manner as he may require.

SEC. 7. In case any controversy shall arise between the commissioner of insurance and any employer subject to the provisions of part five of this act, relative to any rule or regulation adopted by said commissioner of insurance, or any decision made by him in respect to the collection, administration and disbursement of such funds, or in case any controversy shall arise between any employe claiming compensation under the provisions of this act and said commissioner of insurance, all such controversies of every kind and nature shall be subject to review in like manner and with the same force and effect in all respects as is heretofore provided in respect to differences arising through the administration of such funds by the employer, or by a liability insurance company or by an employers' mutual insurance association.

SEC. 8. The books, records and pay rolls of each employer subject to the provisions of part five of this act shall always be open to inspection by the commissioner of insurance, or his duly authorized agent or representative, for the purpose of ascertaining the correctness of the amount of the pay roll reported, the number of men employed, and such other information as said commissioner may require in the administration of said funds. Refusal on the part of any such employer to submit said books, records and pay rolls for such inspection, shall subject the offending employer to a penalty of fifty dollars for each offense, to be collected by civil action in the name of the state and paid into the accident fund, and the individual who shall personally give such refusal shall be guilty of a misdemeanor.

SEC. 9. The commissioner of insurance shall issue proper receipts for all moneys so collected and received from employers, as aforesaid, shall take receipts for all sums paid to employes for compensation under the provisions of this act, and shall keep full and complete records of all business transacted by him in the administration of such funds. He may employ such deputies and assistants and clerical help as may be necessary, and as the Board of State Auditors may authorize, for the proper administration of said funds and the performance of the duties imposed upon him by the provisions of this act, at such compensation as may be fixed by said Board of State Auditors, and may also remove them. The commissioner of insurance and such deputies and assistants shall be entitled to receive from the state their actual and necessary expenses while traveling on the business of the board, but all such

salaries and expenses so authorized by the provisions of this act shall be charged to and paid out of said accident fund. He shall include in his annual report a full and correct statement of the administration of such fund, showing its financial status and outstanding obligations, the claims and the amount paid on each claim, claims not paid, claims contested and why, and general statistics in respect to all business transacted by him under the provisions of this act.

SEC. 10. Disbursements from said accident fund shall be made only upon warrants approved by the state board of auditors upon vouchers therefor transmitted to them by the commissioner of insurance. If at any time there shall not be sufficient money in said fund wherewith to pay the same, the employer on account of whose workmen it was that such warrant was drawn shall pay the same, and he shall be credited upon his next following contribution to such fund the amount so paid, with interest thereon at the legal rate, from the date of such payment to the date such next following contribution becomes payable, and if the amount of the credit shall exceed the amount of the contribution, he shall be repaid such excess.

SEC. 11. If this act shall be hereafter repealed, all moneys which are in the accident fund at the time of such repeal shall be subject to disposition under the direction of the circuit court for the county of Ingham, with due regard, however, to the obligation incurred and existing to pay compensation under the provisions of this act.

PART VI.

MISCELLANEOUS PROVISIONS.

SECTION 1. If the employe (or his dependents, in case of his death) of any employer subject to the provisions of this act files any claim with, or accepts any payment from such employer, or any insurance company carrying such risks, or from the commissioner of insurance on account of personal injury, or makes any agreement, or submits any question to arbitration under this act, such action shall constitute a release to such employer of all claims or demands at law, if any, arising from such injury.

SEC. 2. If the provisions of this act relating to compensation for injuries to or death of workmen shall be repealed or adjudged invalid or unconstitutional, the period intervening between the occurrence of an injury or death and such repeal, or the final adjudication of invalidity, shall not be computed as a part of the time limited by law for the commencement of any action relating to such injury or death, but the amount of any compensation which may have been paid for any such injury shall be deducted from any judgment for damages recovered on account of such injury.

SEC. 3. This act shall not affect any cause of action existing or pending before it went into effect.

SEC. 4. The provisions of this act shall apply to employers and workmen engaged in intrastate commerce, and also to those engaged in interstate or foreign commerce, for whom a rule of liability or method

of compensation has been or may be established by the congress of the United States, only to the extent that their mutual connection with intrastate work may and shall be clearly separable and distinguishable from interstate or foreign commerce, except that any such employer and any of his workmen working only in this state, may, subject to the approval of the industrial accident board, and so far as not forbidden by any act of congress, voluntarily accept and become bound by the provisions of this act in like manner and with the same force and effect in all respects as is hereinbefore provided for other employers and their workmen.

SEC. 5. All acts or parts of acts inconsistent with this act are to be deemed replaced by this act, and to that end are hereby repealed.

"SEC. 6. The legislature intends that Part V of this act shall be deemed a separable part thereof so that said Part V may fail or be adjudged invalid or unconstitutional, without in any way affecting any other part of this act."

SEC. 7. The provisions of this act shall take effect and be in force six months after March 15, 1912.

The following message from the House was also received and read:

House of Representatives,
March 13, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit the following bill:

House bill No. 20, entitled

A bill to authorize the formation of mutual insurance companies whose members may be composed of persons, firms, partnership associations or corporations who have elected to come under the law relating to employers' liability and workmen's compensation;

And to inform the Senate that the bill has passed the House.

In this action of the House the concurrence of the Senate is respectfully asked.

Very respectfully,

CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was read a first and second time by its title and, pending its reference to a committee,

Mr. Moriarty moved that the rules be suspended and that the bill be placed on the General Orders.

The motion prevailed, two-thirds of the Senators present voting therefor, and the bill was placed on the General Orders of the Day.

Mr. Cartier moved that the Senate take a recess until 4:30 o'clock p. m. The motion prevailed, the time being 4 o'clock p. m.

AFTER RECESS.

4:30 o'clock p. m.

The Senate was called to order by the President.
A quorum of the Senate was present.

The Senate resumed the order of

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
March 13, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to retransmit to the Senate,
House bill No. 1 (file No. 1), entitled

A bill to promote the welfare of the people of this State, relating to the liability of employers for injuries or death sustained by their employes, providing compensation for the accidental injury to or death of employes and methods for the payment of the same, establishing an industrial accident board, defining its powers, providing for a review of its awards, making an appropriation to carry out the provisions of this act, and restricting the right to compensation or damages in such cases to such as are provided by this act;

For which the Senate adopted a substitute having the same title,

And now to inform the Senate that in the adoption of the substitute the House does not concur.

Very respectfully,

CHARLES S. PIERCE,
Clerk of the House of Representatives.

Mr. White moved that the Senate insist on its substitute and that a respectful message be sent to the House, asking the appointment of a committee of conference to consider the matters of difference existing between the two houses relative to the bill, and that the President of the Senate be requested to appoint the conferees on the part of the Senate at this time, that there may be no delay in securing a conference on the bill.

The motion prevailed.

The President appointed as the conferees on the part of the Senate Messrs. White and James.

REPORTS OF STANDING COMMITTEES.

By the Committee on Constitutional Amendments:
 The Committee on Constitutional Amendments reports
 Senate concurrent resolution No. 12, entitled
 Concurrent resolution proposing an amendment to section 1 of article
 3 of the Constitution of this state, relative to the right of women to vote;
 Without recommendation.

HORACE T. BARNABY,
 Chairman.

The report was accepted.

Mr. Barnaby moved that the joint resolution be referred to the Committee of the Whole and placed on the General Orders.

The motion prevailed.

Mr. Newton moved that when the Senate adjourns today, it stand adjourned until tomorrow at 10:30 o'clock a. m.

Whereupon Mr. F. D. Scott moved that the Senate adjourn,

On which motion he demanded the yeas and nays.

The motion then did not prevail, a majority of the Senators present not voting therefor by yeas and nays as follows:

YEAS.

Mr. Bradley	Mr. Kingman	Mr. Leidlein	Mr. Murtha
Cartier	Kline	Miller	Scott, F. D.
Collins	Lee	Moriarty	Scott, G. G.

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NAYS.

Mr. Barnaby	Mr. Mapes	Mr. Snell	Mr. Watkins
Conley	Newton	Vanderwerp	Weter
Fowle	Putney	Walter	White
Freeman	Rosenkrans	Ward	Wiggins
James			

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The motion made by Mr. Newton then prevailed.

Mr. Kline moved that the Senate adjourn.

The motion prevailed.

The President declared the Senate adjourned until tomorrow at 10:30 o'clock a. m.

ELBERT V. CHILSON,
 Secretary of the Senate.

THIRTEENTH DAY.

Lansing, Thursday, March 14, 1912.

10:30 o'clock a. m.

The Senate met pursuant to adjournment and was called to order by the President.

The roll of the Senate was called by the Secretary.

The following Senators were present:

Messrs. Barnaby, Bradley, Cartier, Collins, Conley, Foster, Fowle, Freeman, James, Kingman, Lee, Leidlein, Mapes, Miller, Moriarty, Murtha, Newton, Putney, Rosenkrans, F. D. Scott, G. G. Scott, Snell, Taylor, Vanderwerp, Vaughan, Walter, Ward, Watkins, Weter, White and Wiggins—31.

The following Senator was absent with leave: Mr. Kline—1.

Mr. Rosenkrans asked and obtained leave of absence for himself from today's session after 3 o'clock p. m.

Mr. Vaughan asked and obtained leave of absence for himself from today's session after 3:30 o'clock p. m.

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was received and read:

State of Michigan, Executive Office,

Lansing, March 14, 1912.

To the Forty-Sixth Legislature of the State of Michigan:

Gentlemen:—You are authorized and requested to consider a bill to prevent the pollution of the waters of the state from sugar beet refuse and other filth, in accordance with the statements in House resolution No. 26.

This message is in response to the House resolution referred to herein, requesting the same.

Respectfully submitted,

CHASE S. OSBORN,

Governor.

The message was ordered spread upon the Journal.

ANNOUNCEMENTS FROM THE SECRETARY.

Pursuant to Rule 9 of the Senate Rules, I respectfully report that Senate bill No. 10 (file No. 5), Senate bill No. 11 (file No. 6), Were received from the printer on March 13, and are on file in the document room of the Senate.

ELBERT V. CHILSON,
Secretary of the Senate.

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
March 14, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to inform the Senate that the House has acceded to the request of the Senate for the appointment of a Committee of Conference on the matter of difference existing between the two houses relative to

House Bill No. 1 (file No. 1), entitled

A bill to promote the welfare of the people of this state, relating to the liability of employers for injuries or death sustained by their employes, providing compensation for the accidental injury to or death of employes and methods for the payment of the same, establishing an industrial accident board, defining its powers, providing for a review of its awards, making an appropriation to carry out the provisions of this act, and restricting the right to compensation or damages in such cases to such as are provided by this act;

And that Representatives Ashley, Stewart and Graves have been named as the conferees on the part of the House.

Very respectfully,

CHARLES S. PIERCE,
Clerk of the House of Representatives.

The following message from the House was also received and read:

House of Representatives,
March 13, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to return to the Senate the following bill:

Senate bill No. 4, entitled

A bill to amend section 8 of Act No. 151 of the Public Acts of 1911, entitled "An act to provide for the employment of prison labor on state account at the State House of Correction and Branch of the State Prison in the Upper Peninsula; to provide for the sale and disposition of the manufactured product; to define the duties of the warden and board of control of said prison in relation thereto; to make an appropriation

for the fiscal year ending June 30, 1912, to carry into effect the object and purposes of this act, and to provide a tax to meet the same;"

And to inform the Senate that in the passage of the bill the House has concurred.

Very respectfully,

CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

The following message from the House was also received and read:

House of Representatives,
March 13, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to return to the Senate the following bill:

Senate bill No. 5, entitled

A bill to amend section 8 of Act No. 150 of the Public Acts of 1911, entitled "An act to provide for the employment of prison labor on state account at the state prison at Jackson, Michigan, to provide for the sale and disposition of the manufactured product; to define the duties of the warden and board of control of said prison in relation thereto; to make an appropriation for the fiscal year ending June 30, 1912, to carry into effect the object and purposes of this act, and to provide a tax to meet the same;"

And to inform the Senate that in the passage of the bill the House has concurred.

Very respectfully,

CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

The following message from the House was also received and read:

House of Representatives,
March 13, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to return to the Senate the following bill:

Senate bill No. 15, entitled

A bill to amend section 1 of Act No. 274 of the Public Acts of 1911, entitled "An act to prohibit the sale, keeping for sale, loaning, giving away or carrying of certain dangerous weapons; to prevent the carrying of concealed weapons except in certain specified cases when a license is issued therefor; to provide punishment for the violation of the provisions hereof; and to repeal Act No. 129 of the Public Acts of 1889, entitled 'An act to prevent the carrying of concealed weapons and to

provide a punishment therefor,' being sections 11513 and 11514 of the Compiled Laws of 1897," and to add a new section thereto;

And to inform the Senate that in the passage of the bill the House has concurred, and has also concurred in ordering the bill to take immediate effect.

Very respectfully,

CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

The following message from the House was also received and read:

House of Representatives,
March 13, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to return to the Senate the following bill:

Senate bill No. 13, entitled

A bill to amend section 32 of Act No. 205 of the Public Acts of 1887, entitled "An act to revise the laws authorizing the business of banking, and to establish a banking department for the supervision of such business," the same being compiler's section 6121 of the Compiled Laws of 1897, as amended by Act No. 117 of the Public Acts of 1905;

And to inform the Senate that in the passage of the bill the House has concurred by a vote of two-thirds of all the members-elect.

Very respectfully,

CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

The following message from the House was also received and read:

House of Representatives,
March 13, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to return to the Senate the following bill:

Senate bill No. 7, entitled

A bill to amend section 1 of Act No. 107 of the Public Acts of 1911, entitled "An act to provide a tax to meet the several appropriations for which a tax is not otherwise provided for the general expenses of the state government, salaries of the state officers, judicial and other expenses of the state departments and expenses of the legislature for the years 1911 and 1912;"

And to inform the Senate that in the passage of the bill the House

has concurred, and has also concurred in ordering the bill to take immediate effect.

Very respectfully,
CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

The following message from the House was also received and read:

House of Representatives,
March 13, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to return, in accordance with the request of the Senate, the following entitled bill:

Senate bill No. 14, entitled

A bill to provide for the incorporation of mutual associations of employers who have elected to become subject to the act providing compensation for the accidental injury to or death of employes, to insure the payment of such compensation.

Very respectfully,
CHARLES S. PIERCE,
Clerk of the House of Representatives.

Mr. Moriarty moved that the bill be laid on the table.
The motion prevailed.

The following message from the House was also received and read:

House of Representatives,
March 13, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit the following bill:

House bill No. 22, entitled

A bill to authorize payment of the claims of certain deputy factory inspectors for services performed;

And to inform the Senate that the bill has passed the House.

In this action of the House the concurrence of the Senate is respectfully asked.

Very respectfully,
CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was read a first and second time by its title and referred to the Committee on State Affairs.

THIRD READING OF BILLS.

Senate bill No. 3 (file No. 3), entitled

A bill to promote the general health and welfare of the people of this state, relating to the liability of employers for injuries or death sustained by their employes, providing compensation for the accidental injury to or death of employes, and methods for the payment of the same, including the incorporation of mutual associations to insure the payments of such compensation, establishing an industrial accident board, defining its powers, providing for a review of its awards, making an appropriation to carry out the provisions of this act, and restricting the right to compensation or damages in such cases to such as are provided by this act;

Was read a third time and, pending the taking of the vote on the passage thereof,

Mr. Moriarty moved that the bill be laid on the table.

The motion prevailed.

Mr. Moriarty moved that the Senate take a recess until 11:15 o'clock a. m.

The motion prevailed, the time being 10:45 o'clock a. m.

AFTER RECESS.

11:15 o'clock a. m.

The Senate was called to order by the President.

A quorum of the Senate was present.

Mr. Cartier moved that the Senate take a recess until 2 o'clock p. m.

The motion prevailed.

AFTER RECESS.

2 o'clock p. m.

The Senate was called to order by the President.

A quorum of the Senate was present.

Mr. Snell moved that the Senate resolve itself into the committee of the whole on the

GENERAL ORDERS OF THE DAY.

The motion prevailed.

The President called Mr. Snell to the chair.

After some time spent therein, the committee rose, and through its chairman made the following report:

The committee has had under consideration the following:

Senate Concurrent Resolution No. 12, entitled

Concurrent resolution proposing an amendment to section 1 of article 3 of the Constitution of this State, relative to the right of women to vote;

Has made no amendments thereto, and has directed its chairman to report the same back to the Senate, and recommend its adoption.

LAWRENCE W. SNELL,

Chairman.

The report was accepted.

The Senate concurred in the recommendation of the committee regarding the concurrent resolution named in the report and the concurrent resolution was placed on the order of Third reading of Bills.

By unanimous consent the Senate returned to the order of

INTRODUCTION OF BILLS.

Mr. Barnaby introduced

Senate concurrent resolution No. 17, entitled

Concurrent resolution proposing an amendment to sections 1 and 19 of article 5 of the Constitution of Michigan, relative to the initiative and referendum.

The concurrent resolution was read a first and second time by its title, and referred to the Committee on Constitutional Amendments.

Mr. Barnaby also introduced

Senate concurrent resolution No. 18, entitled

Concurrent resolution proposing an amendment to article 9 of the Constitution of Michigan by adding a new section thereto which shall be known as section 9, relative to the recall.

The concurrent resolution was read a first and second time by its title, and referred to the Committee on Constitutional Amendments.

Mr. Barnaby also introduced

Senate concurrent resolution No. 19, entitled

Concurrent resolution proposing an amendment to section 2 of article 17 of the Constitution of Michigan, relative to the initiative.

The concurrent resolution was read a first and second time by its title, and referred to the Committee on Constitutional Amendments.

Mr. Mapes moved that there be a call of the Senate.

The motion prevailed.

PROCEEDINGS UNDER THE CALL.

The roll of the Senate was called by the Secretary, and the following Senator was reported absent without leave:—Mr. Foster.

Mr. Taylor moved that Mr. Foster be excused from the operation of the call.

The motion prevailed.

Mr. Mapes moved that the Senate proceed with the regular order of business under the call.

The motion prevailed.

Mr. Mapes moved to take from the table the motion that House bill No. 2 (file No. 2), the so-called Presidential Preference Primary Bill, be ordered to take immediate effect, the motion to lay on the table, having been made by himself on March 8.

The motion prevailed.

The question being on the motion that the above entitled bill be ordered to take immediate effect,

Mr. Mapes demanded the yeas and nays.

The motion that the bill be ordered to take immediate effect then did not prevail, two-thirds of the Senators-elect not voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. Fowle	Mr. Rosenkrans	Mr. Ward	
Bradley	James	Scott, F. D.	Watkins	
Cartier	Mapes	Vanderwerp	Weter	
Collins	Newton	Vaughan	Wiggins	
Conley	Putney	Walter		19

NAYS.

Mr. Foster	Mr. Lee	Mr. Moriarty	Mr. Snell	
Freeman	Leidlein	Murtha	Taylor	
Kingman	Miller	Scott, G. G.	White	
				12

Mr. Mapes moved to take from the table the motion made by Mr. Watkins on March 13, that a respectful message be sent to the House, asking for the return to the Senate of House resolution No. 23, relative to final adjournment,

Upon which motion he demanded the yeas and nays.

The motion made by Mr. Mapes then did not prevail, a majority of the Senators present not voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Putney	Mr. Walter	
Conley	Mapes	Rosenkrans	Watkins	
Fowle	Newton	Taylor	Weter	
				12

NAYS.

Mr. Cartier	Mr. Lee	Mr. Scott, F. D.	Mr. Vaughan
Collins	Leidlein	Scott, G. G.	Ward
Foster	Miller	Snell	White
Freeman	Moriarty	Vanderwerp	Wiggins
Kingman	Murtha		

18

Mr. Mapes moved that all further proceedings under the call be dispensed with.

The motion prevailed.

REPORTS OF SELECT COMMITTEES.

The Committee of Conference appointed on the part of the Senate to confer with a like committee appointed on the part of the House, relative to the matters of difference existing between the two houses on

House bill No. 1 (file No. 1), entitled

A bill to promote the general health and welfare of the people of this state, relating to the liability of employers for injuries or death sustained by their employes, providing compensation for the accidental injury to or death of employes, and methods for the payment of the same, establishing an industrial accident board, defining its powers, providing for a review of its awards, making an appropriation to carry out the provisions of this act, and restricting the right to compensation or damages in such cases to such as are provided by this act;

For which bill the Senate adopted a substitute, and in the adoption of which substitute the House refused to concur;

Respectfully reports that the conference committees have reached an agreement, the conferees on the part of the Senate having agreed to recede from the substitute adopted by the Senate for the House bill, the conferees representing the House having agreed to recede from certain amendments contained in the House bill, and the joint committees having agreed to other amendments on which there were matters of difference, a detailed report of which has been made to the House of Representatives, a copy of which will in due time be transmitted to the Senate for concurrence;

CHAS. E. WHITE.

W. FRANK JAMES,

Senate Committee.

The report was accepted and adopted.

Mr. Moriarty moved that the Senate resolve itself into the committee of the whole on the

GENERAL ORDERS OF THE DAY.

The motion prevailed.

The President called Mr. Snell to the chair.

After some time spent therein, the committee rose, and through its chairman made the following report:

The committee has had under consideration the following:

House bill No. 20, entitled

A bill to authorize the formation of mutual insurance companies whose members may be composed of persons, firms, partnership associations or corporations who have elected to come under the law relating to employes' liability and workmen's compensation;

Has amended the same as follows:

1. By striking out of line 19 of Sec. 1 the word "three" and inserting in lieu thereof the word "ten."

2. By inserting in line 3 of Sec. 6 after the word "insurance" the words "with the Secretary of State."

3. By inserting in line 5 of Sec. 8 after the word "act" the words "and of the act to provide compensation for the accidental injury or death of employes."

And has directed its chairman to report the same back to the Senate, asking that the amendments be concurred in, and recommend that, as amended, the bill pass.

LAWRENCE W. SNELL,
Chairman.

The report was accepted.

The Senate concurred in the amendments made to the bill named in the report and the bill was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

THIRD READING OF BILLS.

Senate concurrent resolution No. 12, entitled

Concurrent resolution proposing an amendment to section 1 of article 3 of the Constitution of this State, relative to the right of women to vote,

Was read a third time and, pending the taking of the vote on agreeing thereto,

Mr. Snell moved that that part of Rule 9 of the Senate rules which provides that every bill shall have been printed and in possession of the Senate at least five days before the vote on the final passage of the same is taken, be suspended for the purpose of placing on its immediate passage the above entitled concurrent resolution,

Upon which motion, Mr. Cartier demanded the yeas and nays.

The motion made by Mr. Snell then prevailed, two-thirds of the Senators present voting therefor, by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. Mapes	Mr. Snell	Mr. Ward
Conley	Miller	Taylor	Watkins
Fowle	Newton	Vanderwerp	Weter
James	Putney	Vaughan	Wiggins
Kingman	Scott, G. G.	Walter	

19

NAYS.

Mr. Cartier	Mr. Foster	Mr. Leidlein	Mr. Murtha
Collins	Lee	Moriarty	White

8

The question being on agreeing to the concurrent resolution,

The concurrent resolution was then not agreed to, two-thirds of the Senators-elect not voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. Lee	Mr. Snell	Mr. Ward
Conley	Mapes	Taylor	Watkins
Fowle	Miller	Vaughan	Weter
James	Putney	Walter	Wiggins
Kingman	Scott, F. D.		

18

NAYS.

Mr. Bradley	Mr. Foster	Mr. Murtha	Mr. Vanderwerp
Cartier	Leidlein	Newton	White
Collins	Moriarty	Scott, G. G.	

11

Mr. Fowle moved to reconsider the vote by which the Senate refused to agree to the concurrent resolution,

Which motion prevailed.

The question being on agreeing to the concurrent resolution,

Mr. Fowle moved that the concurrent resolution be laid on the table.

The motion prevailed.

House bill No. 20, entitled

A bill to authorize the formation of mutual insurance companies whose members may be composed of persons, firms, partnership associations or corporations who have elected to come under the law relating to employers' liability and workmen's compensation;

Was read a third time and passed, a majority of the Senators-elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Newton	Mr. Walter
Bradley	Kingman	Putney	Ward
Cartier	Lee	Scott, F. D.	Watkins
Collins	Leidlein	Snell	Weter
Conley	Mapes	Taylor	White
Foster	Moriarty	Vanderwerp	Wiggins
Fowle			

25

NAYS.

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The title of the bill was agreed to.

Mr. Taylor moved that when the Senate adjourns today, it stand adjourned until to-morrow at 9 o'clock a. m.

The motion prevailed.

Mr. White moved that the Senate take a recess until 4:30 o'clock p. m.

The motion prevailed, the time being 3:30 o'clock p. m.

AFTER RECESS.

4:30 o'clock p. m.

The Senate was called to order by the President.
A quorum of the Senate was present.

The Senate took up the order of

MESSAGES FROM THE HOUSE.

House of Representatives,
March 14, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to re-transmit to the Senate the following entitled bill:

House bill No. 1 (file No. 1), entitled

A bill to promote the welfare of the people of this state, relating to the liability of employers for injuries or death sustained by their employes, providing compensation for the accidental injury to or death of employes and methods for the payment of the same, establishing an industrial accident board, defining its powers, providing for a review of its awards, making an appropriation to carry out the provisions of this act, and restricting the right to compensation or damages in such cases to such as are provided by this act;

For which the Senate adopted a substitute and in which substitute the House refused to concur and relative to which matter of difference between the two houses a conference was ordered.

And now to inform the Senate that the conference committee has reported to the House an agreement as to the differences existing between the two houses and that the report of the conference committee herewith transmitted has been adopted by the House in which action the concurrence of the Senate is requested.

Very respectfully,

CHARLES S. PIERCE,

Clerk of the House of Representatives.

The following is the report of the Conference Committee:

The Committee of Conference appointed on the part of the House to confer with a like committee appointed on the part of the Senate, relative to the matters of difference existing between the two houses on

House bill No. 1 (file No. 1), entitled

A bill to promote the general health and welfare of the people of this State, relating to the liability of employers for injuries or death sustained by their employes, providing compensation for the accidental injury to or death of employes, and methods for the payment of the same, establishing an industrial accident board, defining its powers, providing for a review of its awards, making an appropriation to carry out the provisions of this act, and restricting the right to compensation or damages in such cases to such as are provided by this act;

For which bill the Senate adopted a substitute having the same title, and in the adoption of which substitute the House refused to concur;

Respectfully reports that the committee has had the matters of difference under consideration and has reached an agreement, the detailed report of which is as follows:

The Senate recedes from the substitute adopted for the above named bill.

The committee has agreed upon the following amendments to the bill:

1. By striking out of line 5 of section 3 of part I the words, "otherwise section 1 shall be in full force and effect;"

2. By striking out of lines 2 and 3 of section 3 of part 2 the words "one week," and inserting in lieu thereof the words "two weeks";

3. By striking out of line 4 of section 3 of part II the words "one week," and inserting in lieu thereof the words "two weeks";

4. By striking out of line 4 of section 3 of part II the word "eighth" and inserting in lieu thereof the word "fifteenth";

5. By inserting in line 4 of section 5 of part II, before the word "dependent" the word "wholly";

6. By inserting in line 11 of section 5 of part II, before the word "dependent," the word "wholly";

7. By striking out section 8 of part II of the bill and inserting in lieu thereof a new section to stand as section 8 and to read as follows:

"Sec. 8. If the employe leaves no dependents the employer shall pay, or cause to be paid as hereinafter provided, the reasonable expense of his last sickness and burying, which shall not exceed \$200";

8. By striking out of line 7 of section 15 of part II the words "one year" and inserting in lieu thereof the words "six months";

9. By inserting in line 6 of section 18 of part II, after the words "want of" the words "such written";

10. By inserting in line 7 of section 18 of part II, after the word "had," the words "notice or";

11. By adding at the end of section 21 of part II the following words: "In case of insolvency every liability for compensation under this act shall constitute a first lien upon all the property of the employer liable therefor, paramount to all other claims or liens except for wages and taxes, and such liens shall be enforced by order of the court;"

12. By inserting in line 4 of section 1 of part III, after the word "chairman" the following: "Appointments to fill vacancies may be made dur-

ing recesses of the Senate, but shall be subject to confirmation by the Senate at the next ensuing session of the Legislature”;

13. By striking out of line 2 of section 2 of part III the figures “\$2,500” and inserting in lieu thereof the figures “\$3,500”;

14. By striking out of line 6 of section 8 of part III, after the word “days,” the following words, “unless prevented by matters beyond his or her control”;

15. By inserting at the end of section 8 of part III the following: “Provided, That said industrial accident board may, for sufficient cause shown, grant further time in which to claim such review”;

16. By striking out of line 14 of section 1 of part IV the following words, “as provided in part V hereof” and inserting in lieu thereof the following words, “Under the laws of the State of Michigan”;

17. By striking out of line 19 of section 1 of part IV the word “six” and inserting in lieu thereof the word “five”;

18. By striking out of line 14 of section 2 of part IV the words “provisions of part V hereof” and inserting in lieu thereof the words “laws of the State of Michigan”;

19. By striking out of line 1 of section 6 of part V the word “six” and inserting in lieu thereof the word “five”;

20. By striking out of line 3 of section 7 of part V the word “six” and inserting in lieu thereof the word “five”;

21. By striking out of line 2 of section 8 of part V the word “six” and inserting in lieu thereof the word “five”;

22. By striking out of section 9 of part V all after the word “funds” in line 5 down to and including the word “them” in line 9 and inserting in lieu thereof the following, “He may employ such deputies and assistants and clerical help as may be necessary, and as the Board of State Auditors may authorize, for the proper administration of said funds and the performance of the duties imposed upon him by the provisions of this act, at such compensation as may be fixed by said Board of State Auditors, and may also remove them”;

23. By striking out of line 2 of section 8 of part VI the words “July one” and inserting in lieu thereof the words “September one.”

And your committee now recommends that the report be adopted.

NOBLE ASHLEY, Chairman.

E. R. STEWART,

B. F. GRAVES,

Committee on the Part of the House.

CHAS. E. WHITE,

W. FRANK JAMES,

Committee on the Part of the Senate.

The question being on concurring in the action of the House in adopting the report of the conference committee,

The Senate concurred, by yeas and nays, as follows:

YEAS.

Mr. Barnaby
Collins
Conley

Mr. Kingman
Lee
Leidlein

Mr. Murtha
Newton
Putney

Mr. Walter
Ward
Weter

Mr. Fowle Freeman James	Mr. Mapes Miller Moriarty	Mr. Scott, F. D. Vanderwerp	Mr. White Wiggins	22
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NAYS. 0

The question then being on the repassage of the bill, as reported by the conference committee,

The bill was repassed, a majority of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby Cartier Collins Conley Fowle Freeman	Mr. James Kingman Lee Leidlein Mapes	Mr. Miller Moriarty Newton Scott, F. D. Vanderwerp	Mr. Walter Ward Weter White Wiggins	21
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NAYS.

Mr. Murtha	1
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The title of the bill was agreed to.

Mr. Murtha asked and obtained leave to have spread on the Journal the following explanation of his vote on the above entitled bill:

In explanation of my vote against this bill, I desire to state that I am influenced in voting in the negative because of the opposition of the Detroit Federation of Labor to its passage. I have before me the written protests of the Detroit Federation of Labor, the International Moulder's Union of North America and other organizations of Detroit against the enactment into law of this measure; and, being always controlled in my judgment concerning matters upon which I am called to pass in my official capacity, by the desire of my constituents, I therefore vote "No."

Mr. White moved that the Senate adjourn.

The motion prevailed.

The President declared the Senate adjourned until tomorrow at 9 o'clock a. m.

ELBERT V. CHILSON,
Secretary of the Senate.

FOURTEENTH DAY.

Lansing, Friday, March 15, 1912.

9 o'clock a. m.

The Senate met pursuant to adjournment and was called to order by the President.

The roll of the Senate was called by the Secretary.

The following Senators were present:

Messrs. Barnaby, Bradley, Cartier, Collins, Conley, Foster, Fowle, Freeman, James, Kingman, Kline, Lée, Leidlein, Mapes, Miller, Moriarty, Murtha, Newton, Putney, Rosenkrans, F. D. Scott, G. G. Scott, Snell, Taylor, Vanderwerp, Walter, Weter, White and Wiggins—29.

The following Senators were absent without leave: Messrs. Vaughan, Ward and Watkins—3.

Mr. Moriarty moved that the absentees without leave be excused from today's session.

The motion prevailed.

Mr. Mapes moved that the Senate take a recess until 10 o'clock a. m. The motion prevailed, the time being 9:05 o'clock a. m.

AFTER RECESS.

10 o'clock a. m.

The Senate was called to order by the President.
A quorum of the Senate was present.

The Senate took up the regular order of business.

PRESENTATION OF PETITIONS.

Mr. Kline sent to the Secretary's desk and asked to have the following petition read and spread at length upon the Journal:
To the Honorable Fred B. Kline, State Senator, Lansing, Mich.:

We, the undersigned residents and electors of the village of Addison,

your friends and neighbors, humbly petition and request, that you vote in the Senate at Lansing, for a "Presidential Primary Bill," and to give the same immediate effect, that the people may express their choice for candidates for President of the United States, in their respective parties for the election of 1912.

We also further represent, that we do not believe to be well taken, the constitutional objections to such an act, but deem them to come from sources, which seek through the medium of packed caucuses and conventions, to procure delegates for candidates whom the people do not approve.

John F. Steward, R. E. Zesan, O. L. Smith, C. B. Wille, J. K. Kelsey, G. W. Haight, H. R. Cole, E. Halsey, Hubert Van Etten, Ed. Sebring, Claud Sebring, O. S. Walffs, Gene Smith, Fred Nutten, H. F. Emans, Darwin Sanders, Alonzo Lewis, G. W. French, W. H. Bertram, A. E. Widdefield, Chester Binns, Elwood D. Wilson, G. G. Bonnay, Edwin Burns, R. O. Jones, L. Laurason, H. R. Staily, G. C. Rogers, John Voorhees, G. W. Horton, A. M. Peck, Bert Hart, R. W. Lewis, Supt. Carl Binns, E. Ayres, B. R. Holmes, H. S. Van Etten, Wm. H. Boley, La Vern Sanders, John Hunkes, N. A. Saunders, C. W. Lane, Sam Ward, John Richmond, John W. Jackson, Dwight A. Jackson, Joseph Cooley, Wm. Rudy, Roy R. Day, Burt Burns, J. H. Trumbull, Geo. E. Bostwick, C. A. Richmond, J. M. Lamb, L. W. Fielding, J. B. Van Etten, L. I. Baley, R. C. Conton, Chas. K. Spafford, A. W. Spafford, L. W. Stephenson, H. E. Howard, Geo. Carpenter, W. A. Kishpaugh, A. Smith, George Sebring, Chas. Dowling, Vern Defay, O. Harrington, H. E. Branch, George Bowen, W. A. Satterlee.

MOTIONS AND RESOLUTIONS.

Mr. Weter offered the following resolution:

Senate resolution No. 25.

Resolved, That the Secretary of the Senate be and he is hereby authorized to draw an order for \$25 in favor of Richard O'Keefe, Sergeant-at-Arms of the last Senate, for services performed in preparing the Senate Chamber for the present session of the Legislature.

Mr. Weter moved that the rules be suspended and that the resolution be placed on its immediate consideration.

The motion prevailed, two-thirds of the Senators present voting therefor.

The resolution was then adopted.

REPORTS OF STANDING COMMITTEES.

By the Committee on State Affairs:

The Committee on State Affairs reports

House bill No. 22, entitled

A bill to authorize the payment of claims of certain deputy factory inspectors for services performed;

With the recommendation that the bill pass.

F. B. KLINE,
Chairman.

The report was accepted and adopted and the committee discharged.

Pending the reference of the bill to the Committee of the Whole,

Mr. Kline moved that the rules be suspended and that the bill be placed on its immediate passage.

The motion prevailed, two-thirds of the Senators present voting therefor.

The bill was then read a third time and passed, a majority of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. Freeman	Mr. Miller	Mr. Snell
Bradley	James	Moriarty	Taylor
Cartier	Kingman	Newton	Vanderwerp
Collins	Kline	Putney	Walter
Conley	Lee	Rosenkrans	Weter
Foster	Leidlein	Scott, F. D.	White
Fowle	Mapes	Scott, G. G.	Wiggins
			28

NAYS.

0

The title of the bill was agreed to.

Mr. Watkins entered the Senate chamber and took his seat.

By the Committee on Supplies and Expenses:

The Committee on Supplies and Expenses reports the following accounts:

Lansing Pure Ice Company	\$2 25
Western Union Telegraph Company	41 00
Scott Paper Company	13 00
F. M. Loftus	3 00
C. J. Rouser	4 25
E. S. Tooker	6 00
Richmond & Backus Company	6 90
John Buehler	75
American Express Company	1 89
E. W. Greene, hauling mail from Capitol to Postoffice.....	75
Michigan State Telephone Company, toll service	10 20
Michigan State Telephone Company, rental	8 00
Home Telephone Company, toll service	2 15
Citizens' Telephone Company, rental and toll service	8 95

With the recommendation that the accounts be allowed and orders drawn for the same.

M. H. MORIARTY,
Chairman.

The report was accepted and adopted and the accounts ordered paid.

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
March 15, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit the following bill:

House bill No. 10 (file No. 7), entitled

A bill to amend sections 16, 18, 19, 20, 21, 27, 28, 31, 37, 38, 39, 42 and 43 of Act No. 281 of the Public Acts of 1909, as amended by Act No. 279 of the Public Acts of 1911, entitled "An act relative to the nomination of party candidates for public offices and delegates to political conventions, to regulate primary elections and to prescribe penalties for violations of its provisions, and to provide for the printing upon election ballots of the names of candidates nominated under the terms of this act, and to repeal Act No. 4 of the Public Acts of the extra session of 1907, and all local primary election acts contravening the provisions of this act, except as in this act otherwise provided;"

And to add one new section thereto to stand as section 51a.

And to inform the Senate that the bill has passed the House.

In this action of the House the concurrence of the Senate is respectfully asked.

Very respectfully,

CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was read a first and second time by its title and pending its reference to a committee,

Mr. Mapes moved that the rules be suspended and that the bill be referred to the Committee of the Whole and placed on the General Orders,

Upon which motion Mr. Collins demanded the yeas and nays.

The motion made by Mr. Mapes then did not prevail, two-thirds of the Senators present not voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby
Bradley
Freeman
James

Mr. Leidlein
Mapes
Newton
Putney

Mr. Taylor
Vanderwerp
Walter

Mr. Watkins
Weter
Wiggins

14

NAYS.

Mr. Cartier
Collins
Conley
Foster

Mr. Fowle
Kingman
Kline
Lee

Mr. Miller
Moriarty
Murtha
Rosenkrans

Mr. Scott, F. D.
Scott, G. G.
Snell
White

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The bill was then referred to the Committee on Elections.

The following message from the House was also received and read:

House of Representatives,
March 15, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to return to the Senate the following bill:

Senate bill No. 16, entitled

A bill to amend section 1 of Act No. 91 of the Session Laws of 1839, entitled "An act to provide for the recording of town plats and for vacating the same in certain cases," being section 3372 of the Compiled Laws of 1897, as amended by Act No. 114 of the Public Acts of 1909;

And to inform the Senate that in the passage of the bill the House has concurred.

Very respectfully,

CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate returned to the order of

MOTIONS AND RESOLUTIONS.

Mr. Kline offered the following resolution:

Senate resolution No. 26.

Resolved, That the Secretary of the Senate be and he is hereby directed to compile and prepare for publication, make indices to and superintend the publication of the Journals and documents of the present session of the Senate, and the said Secretary shall be entitled to receive for said work and such other services as may be necessary in closing up the work of the session the sum of \$200, which sum shall be paid in the manner prescribed by sections 14 and 17 of the Compiled Laws of 1897, relative to the payment of expenses authorized to be incurred by the Legislature.

The resolution was referred to the Committee on Supplies and expenses.

Mr. Moriarty moved that a respectful message be sent to the House, asking the return to the Senate of House resolution No. 23, adopted March 12, relative to final adjournment,

Upon which motion Mr. Lee demanded the yeas and nays.

The motion made by Mr. Moriarty then did not prevail, a majority of the Senators present not voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby
Bradley
Conley
Fowle

Mr. James
Mapes
Moriarty
Newton

Mr. Putney
Rosenkranz
Taylor
Walter

Mr. Watkins
Weter
Wiggins

NAYS.

Mr. Cartier
Collins
Foster
Freeman

Mr. Kingman
Kline
Lee
Leidlein

Mr. Miller
Murtha
Scott, F. D.
Scott, G. G.

Mr. Snell
Vanderwerp
White

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MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
March 15, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to re-transmit to the Senate the following entitled bill:

House bill No. 20, entitled

A bill to authorize the formation of mutual insurance companies whose members may be composed of persons, firms, partnership associations or corporations who have elected to come under the law relating to employers' liability and workmen's compensation.

To which bill the Senate made the following amendments:

1. By striking out of line 19 of Sec. 1 the word "three" and inserting in lieu thereof the word "ten."
2. By inserting in line 3 of Sec. 6 after the word "insurance" the words "with the Secretary of State."
3. By inserting in line 5 of Sec. 8 after the word "act" the words "and of the act to provide compensation for the accidental injury or death of employees."

And now inform the Senate that in the adoption of the second and third named amendments the House has concurred, but has refused to concur in the adoption of the first named amendment.

Very respectfully,

CHARLES S. PIERCE,
Clerk of the House of Representatives.

Mr. Moriarty moved that the Senate insist on its amendments made to the above entitled bill, and that a respectful message be sent to the House, requesting the appointment of a committee of conference to consider the matter of difference existing between the two houses relative to the bill, and that the President of the Senate appoint the conferees on the part of the Senate at this time, that there may be no delay in securing a conference on the bill.

The motion prevailed.

The President appointed as the conferees on the part of the Senate, Messrs. White and James.

Mr. Moriarty moved that the Senate take a recess until 11 o'clock a. m.

The motion prevailed, the time being 10:45 o'clock a. m.

AFTER RECESS.

11 o'clock a. m.

The Senate was called to order by the President.
A quorum of the Senate was present.

The Senate took up the order of

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
March 15, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to inform the Senate that the House has acceded to the request of the Senate for the appointment of a Committee of Conference on the matter of difference existing between the two houses relative to

House bill No. 20, entitled

A bill to authorize the formation of mutual insurance companies whose members may be composed of persons, firms, partnership associations or corporations who have elected to come under the law relating to employers' liability and workmen's compensation;

And that Representatives Glasner, Holcomb and Reynolds have been named as the conferees on the part of the House.

Very respectfully,
CHARLES S. PIERCE,
Clerk of the House of Representatives.

By unanimous consent the Senate returned to the order of

REPORTS OF STANDING COMMITTEES.

By the Committee on Liquor Traffic:

The Committee on Liquor Traffic reports
Senate bill No. 10 (file No. 5), entitled

A bill to amend section 2 of Act No. 313 of the Public Acts of 1887, entitled "An act to provide for the taxation and regulation of the business of manufacturing, selling, keeping for sale, furnishing, giving or delivering spirituous and intoxicating liquors, and malt, brewed or fermented liquors and vinous liquors in this State, and to repeal all acts or parts of acts inconsistent with the provisions of this act," as amended

by Act No. 291 of the Public Acts of 1909, and by Act No. 170 of the Public Acts of 1911, said amended section being compiler's section 5380 of the Compiled Laws of 1897;

With the following amendments thereto:

1. By striking out of lines 16, 17 and 18 of section 2 the words "nor shall the wholesaler and retailer occupy the relation of mortgagee and mortgagor or lessee and lessor";

2. By striking out of line 21 of section 2 the words "mortgage, lease";

3. By striking out of line 38 of section 2 the words "mortgages, leases."

Recommend that the amendments be concurred in, and that when so amended the bill pass.

WILLIAM H. BRADLEY,
Chairman.

The report was accepted and adopted and the committee discharged.

Mr. Bradley moved that the Senate concur in the amendments made to the bill by the committee.

The motion prevailed.

Pending the reference of the bill to the Committee of the Whole,

Mr. Bradley moved that the rules be suspended and that the bill be placed on its immediate passage.

The motion prevailed, two-thirds of the Senators present voting therefor.

The bill was then read a third time and the question being on the passage thereof,

Mr. G. G. Scott moved to amend the bill as follows:

By striking out of lines 38, 39 and 40 of Sec. 2 the words "Whether entered into before or after either or both of such parties shall have been so authorized to engage in the manufacture or sale of such liquors."

The question being on the adoption of the amendment,

Mr. G. G. Scott demanded the yeas and nays.

The amendment was then not adopted, a majority of the Senators present not voting therefor by yeas and nays as follows:

YEAS.

Mr. Bradley
Collins
Foster
Freeman

Mr. Kingman
Kline
Lee

Mr. Leidlein
Miller
Moriarty

Mr. Murtha
Scott, G. G.
Snell

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NAYS.

Mr. Barnaby
Conley
Fowle
Mapes

Mr. Newton
Putney
Rosenkrans
Scott, F. D.

Mr. Taylor
Vanderwerp
Walter

Mr. Watkins
Weter
Wiggins

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The question being on the passage of the bill,

The bill was then passed a majority of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. Kingman	Mr. Putney	Mr. Vanderwerp
Bradley	Kline	Rosenkrans	Walter
Conley	Lee	Scott, F. D.	Watkins
Foster	Mapes	Scott, G. G.	Weter
Fowle	Miller	Snell	White
Freeman	Newton	Taylor	Wiggins
James			

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NAYS.

Mr. Collins	Mr. Leidlein	Mr. Murtha
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3

The title of the bill was agreed to.

By unanimous consent the Senate returned to the order of

REPORTS OF STANDING COMMITTEES.

By the Committee on Supplies and Expenses:

The Committee on Supplies and Expenses report the following resolution:

Senate resolution No. 26.

Resolved, That the Secretary of the Senate be and he is hereby directed to compile and prepare for publication, make indices to and superintend the publication of the Journals and documents of the present session of the Senate, and the said Secretary shall be entitled to receive for said work and such other services as may be necessary in closing up the work of the session the sum of \$200, which sum shall be paid in the manner prescribed by sections 14 and 17 of the Compiled Laws of 1897. relative to the payment of expenses authorized to be incurred by the Legislature.

And recommend that the resolution be adopted.

M. H. MORIARTY,
Chairman.

The report was accepted and adopted and the committee discharged.

Mr. Moriarty moved that the rules be suspended and that the resolution be placed on its immediate consideration.

The motion prevailed, two-thirds of the Senators present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

REPORTS OF SELECT COMMITTEES.

The Committee of Conference appointed on the part of the Senate to consider the matters of difference existing between the two houses relative to

House bill No. 20, entitled

A bill to authorize the formation of mutual insurance companies

whose members may be composed of persons, firms, partnership associations or corporations who have elected to come under the law relating to employers' liability and workmen's compensation;

Makes the following recommendation:

That section 1 of the bill as passed by the Senate be amended as follows:

1. By striking out of line 19 of section 1 the word "ten" and inserting in lieu thereof the word "five."

CHAS. E. WHITE.

W. FRANK JAMES,

Senate Committee.

The report was accepted and adopted.

The question then being on the re-passage of the bill, as amended by the Conference Committee,

The bill was re-passed, a majority of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Murtha	Mr. Taylor	
Bradley	Kingman	Newton	Vanderwerp	
Cartier	Kline	Putney	Walter	
Collins	Lee	Rosenkrans	Watkins	
Conley	Leidlein	Scott, F. D.	Weter	
Foster	Mapes	Scott, G. G.	White	
Fowle	Moriarty	Snell	Wiggins	
Freeman				29

NAYS.

0

The title of the bill was agreed to.

Mr. Cartier moved that the Senate take a recess until 11:40 o'clock a. m.

The motion prevailed, the time being 11:30 o'clock a. m.

AFTER RECESS.

11:40 o'clock a. m.

The Senate was called to order by the President.

A quorum of the Senate was present.

The Senate took up the order of

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
March 15, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit to the Senate the following concurrent resolution:

House resolution No. 29.

Resolved by the House (the Senate concurring), That when the two houses of the Legislature adjourn today they stand adjourned until Wednesday, March 20, at 11:45 o'clock a. m.

Which has been adopted by the House, and in which the concurrence of the Senate is respectfully asked.

Very respectfully,
CHARLES S. PIERCE,
Clerk of the House of Representatives.

The question being on concurring in the adoption of the resolution,
The resolution was adopted.

Mr. Cartier moved that the President appoint a committee of three to wait upon his Excellency, the Governor, to inform him that the Senate has completed its business and is ready to adjourn.

The motion prevailed.

The President appointed as such committee Senators Newton, Weter and Foster.

Mr. F. D. Scott moved that the President appoint a committee of three to inform the House that the Senate has completed its labors and is now ready to adjourn.

The motion prevailed.

The President appointed as such committee, Senators Mapes, F. D. Scott and Wiggins.

The Sergeant-at-Arms announced a committee from the House, whose chairman informed the Senate that the House had completed its business and was ready to adjourn.

The announcement was received and the committee returned to the House.

The Sergeant-at-Arms announced the committee of the Senate, which was appointed to inform the House that the Senate had completed its business and was ready to adjourn, which committee reported that it had performed the duty assigned it.

The report was accepted and the committee discharged.

The Sergeant-at-Arms announced the committee of the Senate, which was appointed to wait upon His Excellency, the Governor, and to inform

him that the Senate had completed its business and was ready to adjourn, which committee reported that it had performed the duty assigned it.

The report was accepted and the committee discharged.

Mr. Cartier moved that the Senate adjourn.

The motion prevailed, the time being 12 o'clock noon.

The President declared the Senate adjourned until Wednesday, March 20, at 11:45 o'clock a. m.

ELBERT V. CHILSON,
Secretary of the Senate.

FIFTEENTH DAY.

Lansing, Wednesday, March 20, 1912.

11:45 o'clock a. m.

The Senate met pursuant to adjournment and was called to order by the President.

The roll of the Senate was called by the Secretary.

The following Senators were present: Messrs. Barnaby, Bradley, Conley, Moriarty, Newton, Rosenkrans, Taylor, Walter and Weter—9.

ANNOUNCEMENTS FROM THE SECRETARY.

The Secretary announced that the following bills had been printed and that they were presented to the Governor for approval March 20:

Senate bill No. 4 (enrolled No. 2);

Senate bill No. 5 (enrolled No. 3);

Senate bill No. 7 (enrolled No. 4);

Senate bill No. 13 (enrolled No. 5);

Senate bill No. 15 (enrolled No. 6);

Senate bill No. 16 (enrolled No. 7).

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was received and read:

State of Michigan, Executive Office,

Lansing, March 20, 1912.

To the President of the Senate:

Sir:—I have this day approved, signed and deposited in the office of the Secretary of State

Senate bill No. 4, (enrolled No. 2), being

An act to amend section eight of act number one hundred fifty-one of the Public Acts of nineteen hundred eleven, entitled "An act to provide for the employment of prison labor on state account at the State House of Correction and Branch of the State Prison in the Upper Peninsula, to provide for the sale and disposition of the manufactured product; to define the duties of the warden and board of control of said prison in relation thereto; to make an appropriation for the fiscal year ending June thirty, nineteen hundred twelve, to carry into effect the object and purposes of this act and to provide a tax to meet the same;"

Also:

Senate bill No. 5, (enrolled No. 3), being

An act to amend section eight of act number one hundred fifty of the Public Acts of nineteen hundred eleven, entitled "An act to provide for the employment of prison labor on state account at the State Prison at Jackson, Michigan, to provide for the sale and disposition of the manufactured product; to define the duties of the warden and board of control of said prison in relation thereto; to make an appropriation for the fiscal year ending June thirty, nineteen hundred twelve, to carry into effect the object and purposes of this act and to provide a tax to meet the same;"

Also:

Senate bill No. 7 (enrolled No. 4), being

An act to amend section one of act number one hundred seven of the Public Acts of nineteen hundred eleven, entitled "An act to provide a tax to meet the several appropriations for which a tax is not otherwise provided, for the general expenses of the State government, salaries of the State officers, judicial and other, expenses of the State departments and expenses of the Legislature for the years nineteen hundred eleven and nineteen hundred twelve;"

Also:

Senate bill No. 13 (enrolled No. 5), being

An act to amend section thirty-two of act number two hundred five of the Public Acts of eighteen hundred eighty-seven, entitled "An act to revise the laws authorizing the business of banking, and to establish a banking department for the supervision of such business," the same being compiler's section six thousand one hundred twenty-one of the Compiled Laws of eighteen hundred ninety-seven, as amended by act number one hundred seventeen of the Public Acts of nineteen hundred five;

Also:

Senate bill No. 15 (enrolled No. 6), being

An act to amend section one of act number two hundred seventy-four of the Public Acts of nineteen hundred eleven, entitled "An act to prohibit the sale, keeping for sale, loaning, giving away or carrying of certain dangerous weapons; to prevent the carrying of concealed weapons except in certain specified cases when a license is issued therefor; to provide punishment for the violation of the provisions hereof; and to repeal act number one hundred twenty-nine of the Public Acts of eighteen hundred eighty-seven, entitled 'An act to prevent the carrying of concealed weapons and to provide a punishment therefor,' being sections eleven thousand five hundred thirteen and eleven thousand five hundred fourteen of the Compiled Laws of eighteen hundred ninety-seven," and to add a new section thereto;

Also:

Senate bill No. 16 (enrolled No. 7), being

An act to amend section one of act number ninety-one of the Session Laws of eighteen hundred thirty-nine, entitled "An act to provide for the recording of town plats, and for vacating the same in certain cases," being section three thousand three hundred seventy-two of the Compiled

Laws of eighteen hundred ninety-seven, as amended by act number one hundred fourteen of the Public Acts of nineteen hundred nine.

Very respectfully,

CHASE S. OSBORN,
Governor.

The President directed that the message be spread upon the Journal.

The hour of 12 o'clock noon having arrived,
Mr. Barnaby moved that the Senate adjourn.
The motion prevailed.

Whereupon the President, in accordance with the resolution fixing the date of final adjournment, and in accordance with the provisions of the constitution determining the hour of such adjournment, declared the Senate adjourned without date.

ELBERT V. CHILSON,
Secretary of the Senate.

CERTIFICATE.

Lansing, March 20, 1912.

I hereby certify that the foregoing is a correct Journal of the proceedings of the Senate of the Legislature of Michigan in special session February 26 to March 20, 1912.

**ELBERT V. CHILSON,
Secretary of the Senate.**

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INDEX.

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PART I.

Index of subjects treated in bills (and concurrent resolutions for amending the constitution) introduced in the Senate or received from the House of Representatives.

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 - recommended by governor in special message. 42
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- recommended by governor in special message 69-70
 - introduced by Mr. Barnaby and referred to the committee on Constitutional amendments 125

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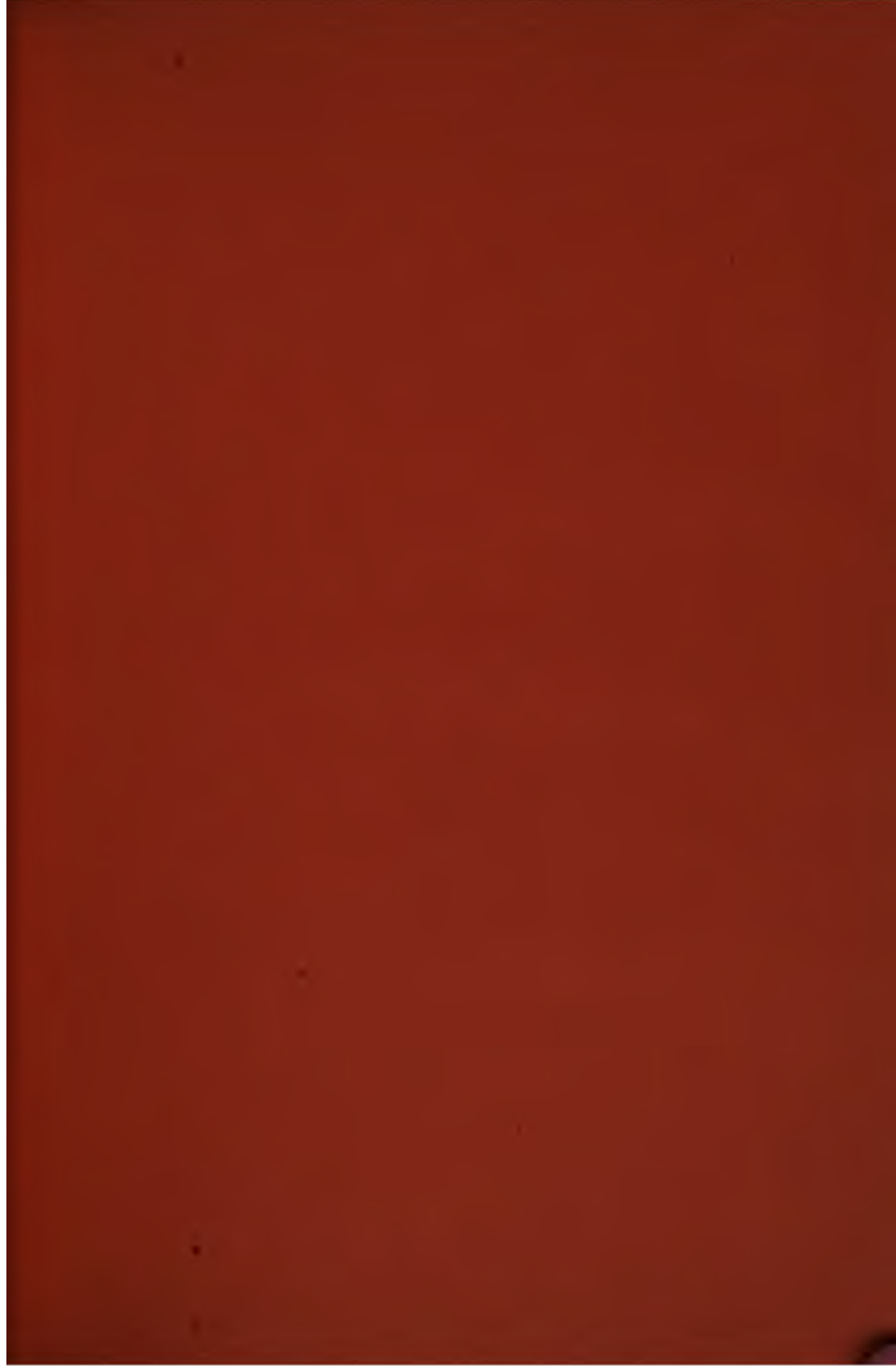
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JOURNAL
OF
THE SENATE
OF THE
STATE OF MICHIGAN

SECOND EXTRA SESSION

March 20 to April 10, 1912

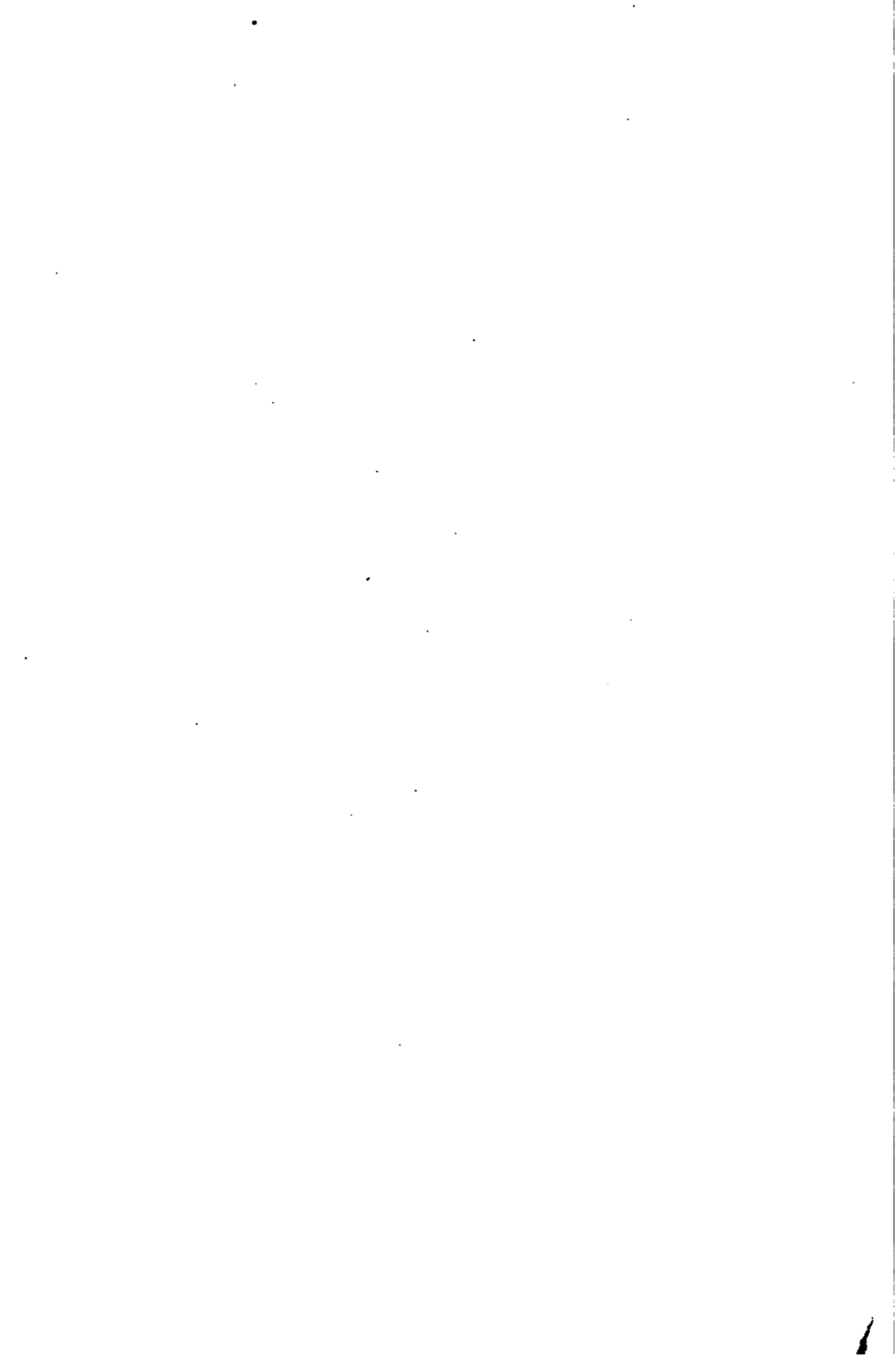
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ELBERT V. CHILSON
Secretary of the Senate



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1912



MICHIGAN

Journal of the Senate

SPECIAL SESSION OF 1912.

FIRST DAY.

Lansing, Wednesday, March 20, 1912.

Pursuant to a proclamation issued by the Governor, Hon. Chase S. Osborn, convening the Legislature in extraordinary session, the Senate convened in the Senate chamber at 2 o'clock p. m., and was called to order by Honorable John Q. Ross, Lieutenant Governor and President of the Senate.

Religious exercises were conducted by Rev. Fr. L. I. Brancheau, of Lansing.

The roll of the Senate was called by the Secretary.

The following Senators were present:

Messrs. Barnaby, Bradley, Cartier, Collins, Conley, Freeman, Kingman, Kline, Lee, Leidlein, Mapes, Miller, Moriarty, Newton, Rosenkrans, G. G. Scott, Snell, Taylor, Vanderwerp, Vaughan, Walter, Ward, Weter and Wiggins—24.

The following Senators were reported absent: Messrs. Foster, Fowle, James, Murtha, Putney, F. D. Scott, Watkins and White—8.

Mr. Moriarty asked and obtained leave of absence for Mr. F. D. Scott from all the sessions of the Senate up to Friday, March 22.

Mr. Weter asked and obtained indefinite leave of absence for Mr. Fowle.

Mr. Rosenkrans asked and obtained leave of absence for himself from the sessions of the Senate for this week after today.

Mr. Snell moved that the other absentees without leave be excused from today's session.

The motion prevailed.

The proclamation, convening the legislature in extraordinary session, communicated to the Senate by the Secretary of State, was read by the Secretary of the Senate, and is as follows:

State of Michigan
EXECUTIVE OFFICE
Lansing

A PROCLAMATION.

To all Whom it May Concern—Greeting:

Acting under the authority of Section 7, Article 6, of the Constitution of the State of Michigan, I hereby call the Legislature of the State of Michigan to meet in extraordinary session on March 20, 1912, at two P. M., for the consideration of such matters as shall be submitted by special message.

Given under my hand and the Great Seal of the State at the Capitol, in Lansing, this fifteenth day of March, in the year of our Lord one thousand nine hundred and twelve, and of the independence of the United States, the one hundred and thirty-sixth.

[SEAL.]

CHASE S. OSBORN,
Governor.

By the Governor:

FREDERICK C. MARTINDALE,
Secretary of State.

By D. H. Mills,

Deputy Secretary of State.

Michigan
DEPARTMENT OF STATE
Lansing

I, Frederick C. Martindale, Secretary of State of the State of Michigan and custodian of the Great Seal of the State, hereby certify that the attached is a true and correct transcript of a proclamation issued by the Governor convening an extra session of the Legislature, the original of which is on file in this office.

In witness whereof, I have hereto affixed my signature and the Great Seal of the State, at Lansing, this sixteenth day of March, in the year of our Lord, nineteen hundred twelve.

[SEAL.]

FREDERICK C. MARTINDALE,
Secretary of State.
By D. H. MILLS,
Deputy Secretary of State.

By unanimous consent the Senate took up the order of

MOTIONS AND RESOLUTIONS.

Mr. Miller moved that the rules of the regular session be adopted as the rules of this, the second special session.

Mr. Mapes asked a division of the question, and that the vote on rule No. 9, be taken separately.

The question being first taken on the adoption of rule No. 9, Mr. Mapes moved to strike from the rule the third clause thereof, as follows: "Every bill shall have been printed and in possession of the Senate at least five days before the vote on the final passage of the same is taken."

The question being on the motion to amend rule No. 9,

Mr. Mapes demanded the yeas and nays.

The motion to amend rule No. 9, then did not prevail, a majority of the Senators present not voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby Conley Mapes	Mr. Newton Taylor Vanderwerp	Mr. Walter Ward	Mr. Weter Wiggins	10
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NAYS.

Mr. Bradley Cartier Collins Freeman	Mr. Kingman Kline Lee Leidlein	Mr. Miller Moriarty Rosenkrans	Mr. Scott, G. G. Snell Vaughan	14
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The question being on the motion made by Mr. Miller,

Mr. Mapes moved that the motion be laid on the table,

Upon which motion Mr. Leidlein demanded the yeas and nays.

The motion made by Mr. Mapes then did not prevail, a majority of the Senators present not voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. Conley	Mr. Mapes	Mr. Newton	4
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NAYS.

Mr. Bradley Cartier Collins Freeman Kingman	Mr. Kline Lee Leidlein Miller Moriarty	Mr. Rosenkrans Scott, G. G. Snell Taylor	Mr. Vanderwerp Vaughan Walter Ward	18
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The question being on the motion made by Mr. Miller,

Mr. Mapes moved to amend the motion by striking out of lines 6 and 7 of rule 51 the words "two-thirds of the Senators actually present" and inserting in lieu thereof the words "a majority of the Senators-elect."

The question being on the amendment offered by Mr. Mapes,

After extended debate,

Mr. Cartier moved the previous question,

Which motion was seconded.

The question being "Shall the main question be now put?"

The same was ordered.

The question being on the motion made by Mr. Mapes,

Mr. Leidlein demanded the yeas and nays.

The motion made by Mr. Mapes then did not prevail, a majority of the Senators present not voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. Newton	Mr. Walter	Mr. Weter	
Conley	Taylor	Ward	Wiggins	
Mapes	Vanderwerp			10

NAYS.

Mr. Bradley	Mr. Kingman	Mr. Miller	Mr. Scott, G. G.	
Cartier	Kline	Moriarty	Snell	
Collins	Lee	Rosenkrans	Vaughan	
Freeman	Leidlein			14

The question then being on the original motion made by Mr. Miller,

After debate,

Mr. Cartier moved the previous question,

Which motion was seconded.

The question then being, "Shall the main question be now put?"

The same was ordered.

The question being on the motion made by Mr. Miller,

The motion prevailed.

Mr. Mapes gave notice that on some future day, he would move to amend the Senate Rules.

Mr. Vaughan offered the following resolution:

Senate resolution No. 1.

Resolved, That the President be and he is hereby authorized to appoint a committee of three Senators to wait upon His Excellency, the Governor, and inform him that the Senate is now in session and ready to receive any communication he may desire to make.

The resolution was adopted.

The President announced as such committee, Messrs. Vaughan, Rosenkrans and Conley.

Mr. Barnaby offered the following resolution:

Senate resolution No. 2.

Resolved, That the President be and he is hereby authorized to appoint a committee of three Senators to wait upon the House of Representatives and inform that body that the Senate is now in session and ready to proceed with business.

The resolution was adopted.

The President announced as such committee, Messrs. Barnaby, Lee and Ward.

Mr. Moriarty offered the following resolution:

Senate resolution No. 3.

Resolved, That C. M. Dudd, of Lansing, be and he is hereby appointed Senate Stenographer for this special session.

The resolution was adopted.

Mr. Cartier offered the following resolution:

Senate resolution No. 4.

Resolved, That the officers and employes summoned and appointed for the extraordinary session of the Senate just closed, be continued in the service and employment of the Senate for this, the second extra session of the Forty-sixth Legislature, except as otherwise designated.

The resolution was adopted.

Mr. Snell offered the following resolution:

Senate resolution No. 5.

Resolved, That the daily sessions of the Senate commence at 2 o'clock p. m.

The resolution was adopted.

Mr. Cartier moved that the President be authorized to appoint three additional floor messengers for the special session.

The motion prevailed.

The President announced that because of the resignation of Grove Keith, he had appointed Leonard Williams, President's messenger for this special session.

The committee appointed by the President to inform the Governor that the Senate was ready to receive any communication that he desired to make, reported that the Governor would communicate with the Senate immediately.

The report was accepted and the committee discharged.

The committee appointed by the President to inform the House that the Senate was ready for the transaction of business, reported that it had performed the duty assigned to it.

The report was accepted and the committee discharged.

The Sergeant-at-Arms announced a committee from the House who informed the Senate that the House was organized and ready to proceed with business.

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was received and read:

State of Michigan, Executive Office,

Lansing, March 20, 1912.

To the Forty-sixth Legislature of the State of Michigan:

Gentlemen:—The Legislature is authorized and respectfully requested to consider a bill or bills to amend section two of Act 313 of the Public Acts of 1887, entitled "An act to provide for the taxation, licensing, and regulation of the business of manufacturing, selling, keeping for sale, furnishing, giving or delivering spirituous and intoxicating, malt, brewed, fermented and vinous liquors in this state, and to repeal all acts inconsistent with the provisions of this act," as amended by Act 291, Public Acts of 1909, and by Act 170, Public Acts of 1911, said amended section being section 5380, Compiled Laws of 1897;

To consider a bill to amend section one of Act 266 of the Public Acts of 1895, entitled "An act relative to bonds and other obligations, with surety or sureties, and the acceptance as surety thereon of companies qualified to act as such, and the release of such surety, and the safe depositing of assets for which such surety may be liable, and to the charging by fiduciaries of the expense of procuring sureties, and repealing all laws in conflict therewith," as amended by Act No. 106, of the Public Acts of 1897, and by Act No. 321 of the Public Acts of 1907, the same being compiler's section 5196, Compiled Laws of 1897;

To consider legislation by and through which the question of amendments to the constitution shall be submitted to the electors of Michigan providing for the Initiative, Referendum and Recall;

To consider legislation by and through which the question of an amendment to the constitution shall be submitted to the electors of Michigan providing for giving and insuring the right of suffrage to the women of Michigan;

To consider a bill or bills amending the Michigan primary election law in such manner as to make it include all or any state officers now elective, and also to consider corrupt practice legislation pertaining to all or any nominations and elections;

To consider a bill or bills to be given immediate effect to provide for a presidential preference primary election.

Because a statement in a message sent to this legislature in extraordinary session by the Executive of Michigan has been criticized by the Chief Executive of the United States, I deem it proper to refer to the matter in this official manner. In a report sent out by the Associated Press of a speech made at Boston by the President of the United States March 18, 1912, this paragraph appears:

"The President here quoted a western governor whom he did not name, who had declared 'Whatever is right is constitutional,' and who had taken Lincoln's words, 'The life of this nation is greater than any constitution,' to sustain his view.

"'It is impossible to escape the meaning of such a view,' said the

president, 'and that is that the plain construction of the constitution is to be perverted because it is thought that the people at present would prefer not to be subject to the limitation contained in the constitution lawfully adopted. The quoted words of Lincoln have here no application. It is not true that 'Whatever is right is constitutional' unless the declaration of right is contained in the constitution or is not forbidden by it. The popular will to be effective and controlling with courts must be embodied in statutory enactment or constitutional law. It is not left to the executive of state or nation, or to the judge on the bench, whether state or federal, to decide what is right when there is law declaring what is right on the statute book. The law is the guide of the judge and the governor and not his individual opinion as to whether the law is good or not. This is a government of law, not of changing economic and political theories of judicial or executive offices when these theories are in conflict with the express letter of the law. Suggestions of that sort are dangerous, because they put the ship of state on a sea of troubles without a rudder. They destroy that respect for constituted authority that is essential to well ordered liberty. The strength of the government and the strength of the judiciary must rest ultimately upon the confidence of the people in their integrity."

I do not charge the Chief Executive of the United States with intentional unfairness, but I submit that it is not just to segregate a sentence from an official message and comment upon it without giving its general bearings, tendencies and connections. The western governor referred to is myself. My message was in discussion of the proposed enactment of a presidential preference primary law. I stated the following: "If it is right and advisable to enact a presidential preference primary law it is proper to give it immediate effect." This was followed by the statement farther on in the message, but in connection, "Whatever is right is constitutional * * * and especially when there is no dispute as to the right." I then quoted Abraham Lincoln as saying: "The life of this nation is greater than any constitution."

I had in mind that statement when I declared that "Whatever is right is constitutional." I also had in mind the statement of William H. Seward, in an address in the United States Senate upon the question of slavery, to be found in his works edited by Baker, volume I, page 74, as follows:

"But there is yet another aspect in which this principle must be examined. It regards the domain only as a possession, to be enjoyed either in common or by partition by the citizens of the old states. It is true, indeed, that the national domain is ours. It is true it was acquired by the valor and with the wealth of the whole nation. But we hold, nevertheless, no arbitrary power over it. We hold no arbitrary authority over anything, whether acquired lawfully or seized by usurpation. The constitution regulates our stewardship; the constitution devotes the domain to union, to justice, to defense, to welfare, and to liberty.

"But there is a higher law than the constitution, which regulates our authority over the domain, and devotes it to the same noble purposes. The territory is a part, no inconsiderable part, of the common heritage of mankind, bestowed upon them by the Creator of the universe. We are his stewards, and must so discharge our trust as to secure in the

highest attainable degree their happiness. How momentous that trust is, we may learn from the instructions of the founder of modern philosophy:

"'No man,' says Bacon, 'can by care-taking, as the Scriptures saith, add a cubit to his stature in this little model of a man's body; but, in the great frame of kingdoms and commonwealths, it is in the power of princes or estates to add amplitude and greatness to their kingdoms. For, by introducing such ordinances, constitutions, and customs, as are wise, they may sow greatness to their posterity and successors. But these things are commonly not observed, but left to take their chance.'

"This is a state, and we are deliberating for it, just as our fathers deliberated in establishing the institutions we enjoy. Whatever superiority there is in our condition and hopes over those of any other 'kingdom' or 'estate,' is due to the fortunate circumstance that our ancestors did not leave things to 'take their chance,' but that they 'added amplitude and greatness' to our commonwealth 'by introducing such ordinances, constitutions and customs, as were wise.' We in our turn have succeeded to the same responsibilities, and we cannot approach the duty before us wisely or justly, except we raise ourselves to the great consideration of how we can most certainly 'sow greatness to our posterity and successors.'"

It may be added that the constitutionality of a presidential preference primary law has never been disputed in Michigan. The only difference of opinion arose as to whether it would be constitutional to give such a law immediate effect. The attorney general decided that the legislature was the sole judge of that. Consequently it would not seem to be dangerous or destructive to suggest, bearing upon this power of the legislature and relating to it, that "whatever is right is constitutional." If there has been no question as to the constitutionality of the presidential primary law there can be nothing to the President's serious charge that an attempt has been made to pervert the construction of the constitution of Michigan.

The president of the United States made the following declaration, as taken from the above report of this speech: "It is not true that 'whatever is right is constitutional' unless the declaration of right is contained in the constitution or is not forbidden by it." Permit me to call your attention and the attention of the President of the United States to article nine of the amendment to the United States constitution, as proposed by Congress September 25, 1789, and proclaimed in force December 15, 1791. It is as follows: "The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people." I understand from this that it is expressly provided that it is not the intention of the constitution of the United States or within its scope to define all the rights of the people. This being true, in the light of article nine whatever is right is constitutional. The constitution created the judicial, legislative and executive departments of government and they must be guided by it. But the constitution is created by the people and hence must be guided, builded, amended, abolished by them. The people are the only power above the constitution. The President of the United States says that the law is the guide of the judge and the governor, and not his indi-

vidual opinion as to whether the law is good or not. But man-made law does not always refer to or define right. When this is true we must go, as Seward did, to the fundamental definitions and standards of right and wrong. These are to be found in the constitution of civilization. That constitution is the Holy Bible. It is divine. It has endured from the beginning of history. The New Testament is an extension, interpretation and revision of the Old Testament, or original constitution. In the teachings of the Savior and His apostles we find the truth so simply and clearly and lovably set forth that there can be no doubt as to what is right. And so I repeat, the Bible is our constitution of Christian civilization.

I had this in mind when I made that statement, because I believe that nowhere else can the definition of right be obtained. Since the time of the inspired writing of this great constitution of civilization, man-made pacts and constitutions have lived and died. Civilizations have started, reached their zenith and perished. Death and decay have seized everything except the civilization founded upon and that has grown up from this first and greatest of constitutions. Man-made constitutions only approach perfection in proportion to their similarity to the divine constitution. This is what Seward referred to when he said, "But there is a higher law than the constitution."

The President of the United States said, referring to the isolated quotation from my message, "suggestions of that sort are dangerous, because they put the ship of state on a sea of troubles without a rudder." The national conscience is the rudder of the ship of state, just as the individual conscience is the guide of man. If there has been a ravishment of the United States constitution, or of the constitution of our states it has been by the courts. The right to pass upon the constitutionality of laws is an assumed one by the courts. The constitution made the judicial power coordinate, but the judicial power has assumed to nullify, amend and extend the constitution. The question of giving to the judiciary the right to pass upon the constitutionality of laws was many times debated in the Federal Convention assembled at Philadelphia, Monday, May 11, and dissolved Monday, Sept. 17, 1787, which formed the constitution of the United States. After repeated discussions the question was voted upon several times, and each time the convention voted not to include in the constitution the right and power of the judiciary to pass upon the constitutionality of laws.

In the Virginia state constitutional convention, which had for its purpose the consideration of and formation of the constitution of Virginia, the same question was debated at length, as it was in all of the states. John Marshall, afterwards Chief Justice of the United States, led the party that was opposed to giving the judiciary the right to pass upon the constitutionality of laws. Patrick Henry led the other side. John Marshall and his followers won and the first constitution of Virginia did not give to the judiciary the right to decide as to the constitutionality of laws passed by the legislature. However, when Mr. Marshall became Chief Justice of the United States, it is almost startling to know that it was he who first assumed that right, in the hearing of the great case of *Marbury v. Madison* by the Supreme Court of the United States in the February term, 1803—an arrogation inconsistent

even if necessary at the time. Since then the Supreme Court of the United States and subordinate courts often when not aware of it have been used and abused, even when they were honest, to abridge the rights of the people.

By permitting the courts to assume the power of passing upon the constitutionality of laws, the people have parted only temporarily with a right that is inherent in themselves. They believe this right has been abused. Primarily a law is constitutional and in effect from the moment a legislature finally passes it until it repeals it. The time specified for a law to take effect is a final act of legislation. Submitting to the people through a referendum a verdict of a court involving a constitutional question would only be to make use of a right which has always belonged to the people, and which has been taken from them by the courts through an assumption of power that has been so absurd as to be intolerable at times. It is interesting to contemplate that the courts of the United States are the only courts in the world which assume to pass upon the constitutionality of laws, or in other words to place themselves above the people.

I will quote the following from pages 201, 202 and 203, volume II of Bancroft's History of the Formation of the Constitution of the United States of America, with included quotations by Bancroft from Gilpin, the Federalist, and Wilson's works:

"A bench of a few, selected with care by the president and senate from the nation seemed a safer tribunal than a multitudinous assembly elected for a short period under the sway of passing currents of thought, or the interpid fixedness of an uncompromising party. There always remains danger of erroneous judgments, arising from mistakes, imperfect investigation, the bias of previous connections, the seductions of ambition, or the instigations of surrounding opinions; and a court from which there is no appeal is apt to forget circumspection in its sense of security. The passage of a judge from the bar to the bench does not necessarily divest him of prejudices; nor chill his relations to the particular political party to which he may owe his advancement; nor blot out of his memory the great interests which he may have professionally piloted through doubtful straits; nor quiet the ambition which he is not required to renounce, even though his appointment is for life; nor cure predilections which sometimes have their seat in his own inmost nature.

"But the constitution retains the means of protecting itself against the errors of partial or interested judgments. In the first place, the force of a judicial opinion of the supreme court, in so far as it is irreversible, reaches only the particular case in dispute; and to this society submits, in order to escape from anarchy in the daily routine of business. To the decision on an underlying question of constitutional law no such finality attaches. To endure it must be right. If it is right, it will approve itself to the universal sense of the impartial. A judge who can justly lay claim to integrity will never lay claim to infallibility; but with indefatigable research will add, retract, and correct whenever more mature consideration shows the need of it. The court is itself inferior and subordinate to the constitution; it has only a delegated authority, and every opinion contrary to the tenor of its commission is

void, except as settling the case on trial. The prior act of the superior must be preferred to the subsequent act of an inferior; otherwise it might transform the limited into an unlimited constitution. When laws clash, the latest law is rightly held to express the corrected will of the legislature; but the constitution is the fundamental code, the law of laws; and where there is a conflict between the constitution and a decision of the court, the original permanent act of the superior outweighs the latter act of the inferior, and retains its own supreme energy unaltered and unalterable except in the manner prescribed by the constitution itself. To say that a court, having discovered an error, should yet cling to it because it has once been delivered as its opinion, is to invest caprice with inviolability and make a wrong judgment of a servant outweigh the constitution to which he has sworn obedience. An act of the legislature at variance with the constitution is pronounced void; an opinion of the supreme court at variance with the constitution is equally so.

"Next to the court itself, the men who framed the constitution relied upon the power and readiness of congress to punish through impeachment the substitution of the personal will of the judge for the law.

"A third influence may rise up 'as the rightful interpreter of this great charter' of American rights and American power in 'the good sense' of the land (meaning the people), wiser than the judges alone, because it includes within itself the wisdom of the judges themselves; and this may lead either to the better instruction of the court, or to an amendment of the constitution by the collective mind of the country."

What is right is always right, but what seemed right through inverted vision or as a result of errors in thought yesterday becomes, through growth of conscience and brotherhood, a wrong today. Man-made constitutions grow in accordance with the improvement of times and peoples. An aroused public conscience is the hope of the nation. The laws must be just and we must obey them in order to live as a united people. The laws, however, are not merely to pretend theoretically to be for all the people, but this must be as nearly as possible a practical fact. There are many forms of slavery, and sometimes we are enslaved when we are the least aware, and sometimes we are more the slave when we think our brother is in bondage. There is no enslavement more painful in the end than to one's own mental passions. Our people are growing better and fairer in this regard all of the time. They are striving to better conditions for all the people all of the time, and I am sure that you and I will be glad to strive for them and with them.

Respectfully submitted,

CHASE S. OSBORN,
Governor.

The message was ordered spread upon the Journal.

By unanimous consent the Senate resumed the order of

MOTIONS AND RESOLUTIONS.

Mr. Miller offered the following resolution:

Senate resolution No. 6.

Resolved, That all matters stated, or remarks made in debate upon the floor of the Senate, or in Committee of the Whole, during the special session, shall be deemed matters of privilege and shall be printed in full in the daily Journal of the Senate.

The question being on the adoption of the resolution,

Mr. Mapes moved that the resolution be laid on the table,

Upon which motion Mr. Miller demanded the yeas and nays.

The motion made by Mr. Mapes then did not prevail, a majority of the Senators present not voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby Conley	Mr. Mapes Newton	Mr. Taylor Vanderwerp	Mr. Weter	7
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NAYS.

Mr. Bradley Collins Freeman Kingman	Mr. Kline Lee Leidlein Miller	Mr. Rosenkrans Scott, G. G. Snell	Mr. Vaughan Walter Ward	14
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The question being on the adoption of the resolution,

Mr. Miller demanded the yeas and nays.

The resolution was then not adopted, a majority of the Senators present not voting therefor by yeas and nays as follows:

YEAS.

Mr. Collins Kingman	Mr. Lee Leidlein	Mr. Miller Scott, G. G.	Mr. Snell Walter	8
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NAYS.

Mr. Barnaby Bradley Conley	Mr. Mapes Newton Rosenkrans	Mr. Taylor Vanderwerp Vaughan	Mr. Weter Wiggins	11
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INTRODUCTION OF BILLS.

Mr. Taylor introduced

Senate bill No. 1, entitled

A bill to amend section 2 of Act No. 313 of the Public Acts of 1887, entitled "An act to provide for the taxation and regulation of the business of manufacturing, selling, keeping for sale, furnishing, giving or delivering spirituous and intoxicating liquors, and malt, brewed or fermented liquors and vinous liquors in this State, and to repeal all acts or parts of acts inconsistent with the provisions of this act," as amended by Act No. 291 of the Public Acts of 1909, and by Act No. 170 of the

Public Acts of 1911, said amended section being compiler's section 5380 of the Compiled Laws of 1897.

The bill was read a first and second time by its title, ordered printed, and referred to the Committee on Liquor Traffic.

Mr. Taylor, (for Mr. Watkins, by request) introduced
Senate bill No. 2, entitled

A bill to amend section 1 of Act No. 266 of the Public Acts of 1895, entitled "An act relative to bonds and other obligations, with surety or sureties, and the acceptance as surety thereon of companies qualified to act as such, and the release of such surety, and the safe depositing of assets for which such surety may be liable, and to the charging by fiduciaries of the expense of procuring sureties, and repealing all laws in conflict therewith," as amended by Act No. 106 of the Public Acts of 1897, and by Act No. 321 of the Public Acts of 1907, the same being compiler's section 5196 of the Compiled Laws of 1897.

The bill was read a first and second time by its title, ordered printed, and referred to the Committee on Insurance.

Mr. Snell introduced

Senate concurrent resolution No. 3, entitled

Concurrent resolution proposing an amendment to section 1 of article 3 of the Constitution of this State, relative to the right of women to vote.

The concurrent resolution was read a first and second time by its title, ordered printed, and referred to the Committee on Constitutional Amendments.

Mr. Barnaby introduced

Senate concurrent resolution No. 4, entitled

Concurrent resolution proposing an amendment to section 2 of article 17 of the Constitution of Michigan, relative to the initiative.

The concurrent resolution was read a first and second time by its title, ordered printed, and referred to the Committee on Constitutional Amendments.

Mr. Barnaby also introduced

Senate concurrent resolution No. 5, entitled

Concurrent resolution proposing an amendment to sections 1 and 19 of article 5 of the Constitution of Michigan, relative to the initiative and referendum.

The concurrent resolution was read a first and second time by its title, ordered printed, and referred to the Committee on Constitutional Amendments.

Mr. Barnaby also introduced

Senate concurrent resolution No. 6, entitled

Concurrent resolution proposing an amendment to article 9 of the Constitution of Michigan by adding a new section thereto which shall be known as Section 9, relative to the recall.

The concurrent resolution was read a first and second time by its title, ordered printed, and referred to the Committee on Constitutional Amendments.

Mr. Mapes introduced

Senate bill No. 7, entitled

A bill to provide for the expression by the qualified enrolled voters of the several political parties of their choice for the nomination by their party for the President of the United States, and making an appropriation to carry out the provisions of the same.

The bill was read a first and second time by its title, ordered printed, and referred to the Committee on Elections.

Mr. Mapes moved that the Senate take a recess for ten minutes and that former Senator Andrew Fyfe be invited to address the Senate.

The motion prevailed, the time being 3:40 o'clock p. m.

The President appointed Senators Mapes, Barnaby and Moriarty a committee to escort Mr. Fyfe to the chair.

Mr. Fyfe then addressed the Senate.

AFTER RECESS.

3:50 o'clock p. m.

The Senate was called to order by the President.

A quorum of the Senate was present.

The Senate took up the order of

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
March 20, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit to the Senate the following concurrent resolution:

House resolution No. 7.

Whereas, Miss Clara Barton, president and founder of The American Red Cross Society, is now seriously ill at Glen Echo, Maryland; and

Whereas, During the Civil and Spanish-American Wars, Miss Barton rendered to the soldiers of the nation her services by ministering to the sick, the wounded and the dying; and

Whereas, Many of Michigan's soldiers were recipients of her personal kindness and benefaction; therefore be it

Resolved, by the House of Representatives (the Senate concurring). That the people of the State of Michigan extend to Miss Barton its sincere thanks for her patriotic devotion to Michigan's suffering soldiers on the battlefields of those wars; and be it further

Resolved, That we extend to her our heartfelt sympathy in these hours of her affliction and wish her godspeed in her recovery so that she may yet be spared to the nation for many years to come; and be it further

Resolved, That in token of our appreciation of her noble qualities, her patriotic spirit and her untiring efforts to bring comfort to disabled soldiers in the darkest days of the nation's history, the Clerk of the House is hereby authorized and instructed to cause a copy of these resolutions, properly engrossed on parchment, to be forwarded to Miss Barton at Glen Echo, Maryland.

Which has been adopted by the House, and in which the concurrence of the Senate is respectfully asked.

Very respectfully,

CHARLES S. PIERCE,

Clerk of the House of Representatives.

The question being on concurring in the adoption of the resolution,
The resolution was unanimously adopted.

Mr. Leidlein moved that the Senate adjourn.

The motion prevailed.

The President declared the Senate adjourned until tomorrow at 2 o'clock p. m.

ELBERT V. CHILSON,
Secretary of the Senate.

SECOND DAY.

Lansing, Thursday, March 21, 1912.

2 o'clock p. m.

The Senate met pursuant to adjournment and was called to order by the President.

The roll of the Senate was called by the Secretary.

The following Senators were present:

Messrs. Barnaby, Bradley, Cartier, Collins, Conley, Foster, Freeman, Kingman, Kline, Lee, Leidlein, Mapes, Miller, Moriarty, Murtha, Newton, G. G. Scott, Snell, Taylor, Vanderwerp, Vaughan, Walter, Ward, Watkins, Weter and Wiggins—26.

The following Senators were absent with leave: Messrs. Fowle, Rosenkrans and F. D. Scott—3.

The following Senators were absent without leave: Messrs. James, Putney and White—3.

Mr. Walter asked and obtained indefinite leave of absence for Senator White.

Mr. Taylor moved that the other absentees be excused from today's session.

The motion prevailed.

Messrs. Cartier, Foster, Kingman, Leidlein and Snell asked and obtained leaves of absence for themselves from Monday's session.

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was received and read:

State of Michigan, Executive Office,

Lansing, March 20, 1912.

To the President of the Senate:

Sir:—In compliance with the law providing that appointments to the following offices shall be made by and with the advice and consent of the Senate, I herewith submit the following list of appointments made since the business adjournment of the Legislature of 1911:

Board of Control of College of Mines.

Lucius L. Hubbard, Painesdale, Houghton County, appointed June 9, 1911, to succeed himself, for the term ending June 9, 1917.

Murray M. Duncan, Ishpeming, Marquette County, appointed June 9, 1911, to succeed himself, for the term ending June 9, 1917.

Commissioner of Labor.

Perry F. Powers, Cadillac, Wexford County, appointed July 1, 1911, to succeed R. H. Fletcher, for the term ending June 30, 1913.

State Board of Corrections and Charities.

Alton T. Roberts, Marquette, Marquette County, appointed January 25, 1912, to succeed George Clapperton, for term ending December 31, 1918.

Board of Health of City of Detroit.

Samuel T. Douglas, Detroit, appointed March 1, 1912, to succeed himself, for term ending February 28, 1916.

Board of Control of Lapeer Home for Feeble-Minded and Epileptic.

O. L. Millard, Hersey, Osceola County, appointed July 1, 1911, to succeed H. Kitchell, for the term ending January 31, 1915.

A. E. Meigs, Detroit, Wayne County, appointed July 6, 1911, to succeed J. S. Weidman, for the term ending January 31, 1915.

Norman Flowers, Jackson, Jackson County, appointed October 3, 1911, to succeed M. J. Murphy, for the term ending January 31, 1915.

Board of Guardians of Industrial Home for Girls.

Rolla C. Taylor, Adrian, Lenawee County, appointed May 24, 1911, to succeed himself, for the term ending May 31, 1917.

State Board of Health.

Edward Abrams, Houghton, Houghton County, appointed July 19, 1911, to succeed Geo. S. Harrington, for the term ending January 31, 1915.

Board of Trustees of Ionia State Hospital.

C. H. Gibson, Greenville, Montcalm County, appointed December 5, 1911, to succeed James W. Belknap, for the term ending January 31, 1913.

Jury Commissioners for Wayne County.

Duncan E. Graham, Detroit, appointed May 24, 1911, to succeed J. B. Greenberg, for the term ending April 30, 1917.

State Board of Library Commissioners.

David E. Heineman, Detroit, Wayne County, appointed June 8, 1911, to succeed himself, for the term ending June 7, 1915.

W. Millard Palmer, Grand Rapids, Kent County, appointed June 27, 1911, to succeed F. J. Baldwin, for the term ending June 7, 1915.

State Live Stock Sanitary Commission.

H. H. Halladay, Clinton, Lenawee County, appointed July 10, 1911, to succeed C. A. Tyler, for the term ending second Monday in July, 1917.

Mackinac Island State Park Commission.

Alfred O. Jopling, Marquette, Marquette County, appointed June 22, 1911, to succeed himself, for term ending June 21, 1921.

State Board of Registration of Nurses.

Susan Fisher Apted, Grand Rapids, Kent County, appointed March 1, 1912, to succeed Elizabeth G. Flaws, for the term ending July 31, 1912.

Board of Trustees of Newberry State Hospital.

Thomas Conlin, Crystal Falls, Iron County, appointed March 1, 1912, to succeed J. C. Kirkpatrick, for the term ending second Monday in February, 1917.

Board of Registration and Examination in Osteopathy.

T. L. Herroder, Detroit, Wayne County, appointed May 12, 1911, to succeed E. F. Ashmore, for the term ending April 30, 1916.

Advisory Board in the Matter of Pardons.

Nelson C. Rice, St. Joseph, Berrien County, appointed May 4, 1911, to succeed E. A. Blakeslee, for the term ending December 31, 1913.

D. N. Travis, Flint, Genesee County, appointed December 27, 1911, to succeed F. J. Russell, for the term ending December 31, 1917.

Michigan Board of Pharmacy.

E. E. Faulkner, Delta, Barry County, appointed January 1, 1912, to succeed William A. Dohaney, for the term ending December 31, 1916.

Board of Trustees of Pontiac State Hospital.

C. W. Hitchcock, Detroit, Wayne County, appointed September 11, 1911, to succeed William G. Malcomson, for the term ending second Monday in February 1913.

Board of Control of Reformatory at Ionia.

James S. Parker, Flint, Genesee County, appointed July 3, 1911, to succeed E. A. Phillips, for the term ending February 15, 1915.

State Librarian.

Mary C. Spencer, Lansing, Ingham County, appointed September 30, 1911, to succeed herself, for the term ending March 31, 1915.

Board of Control of State Prison at Jackson.

Clyde I. Webster, Detroit, Wayne County, appointed September 11, 1911, to succeed John S. Haggerty, for the term ending February 15, 1915.

Edward Frensdorf, Hudson, Lenawee County, appointed September 28, 1911, to succeed John W. Adams, for the term ending February 15, 1913.

Board of Trustees of State Sanatorium.

Henry J. Hartz, Detroit, Wayne County, appointed September 1, 1911, to succeed himself, for the term ending August 31, 1917.

George Barnes, Howell, Livingston County, appointed September 14, 1911, to succeed George W. Teeple, for the term ending August 31, 1917.

State Board of Tax Commissioners.

William B. Mershon, Saginaw, Saginaw County, appointed January 1, 1912, to succeed James H. Thompson, for the term ending the first

Wednesday in January, 1913, reappointed for the same term March 18, 1912.

State Veterinarian.

Ward Giltner, Lansing, Ingham County, appointed July 10, 1911, to succeed himself, for term ending second Monday in July, 1913.

State Board of Corrections and Charities.

Rt. Rev. John N. McCormick, Grand Rapids, Kent County, appointed March 1, 1912, to succeed Charles Lewis, for the term ending December 31, 1912.

Respectfully submitted,

CHASE S. OSBORN,
Governor.

The message was referred to the Committee on Executive Business.

MOTIONS AND RESOLUTIONS.

Mr. Cartier offered the following resolution:

Senate resolution No. 7.

Resolved, By the Senate (the House of Representatives concurring), That when the Legislature adjourns today, it stand adjourned until Monday, March 25, at 9 o'clock, p. m.

The resolution was adopted.

Mr. Cartier also offered the following resolution:

Senate Resolution No. 8.

Resolved by the Senate (the House of Representatives concurring). That from and after 12 o'clock noon on Friday, March 29, 1912, the two Houses of the Legislature will transact no other business than for the President of the Senate and the Speaker of the House of Representatives to sign enrolled bills for presentation to the Governor, and the entry of the same on the Journal by the Secretary of the Senate and Clerk of the House of Representatives, and the day of final adjournment of the Legislature shall be on Tuesday, April 30, 1912 at 12 o'clock noon.

The question being on the adoption of the resolution,

Mr. Kline moved that the resolution be laid on the table.

The motion prevailed.

Mr. Mapes offered the following resolution:

Senate resolution No. 9.

Resolved, That a respectful message be sent to the Governor, requesting him to authorize this special session of the Legislature to consider and pass upon a bill to fix the manner and provide the method of taking private property for public utilities by cities and villages under Article 8 of the State Constitution.

The resolution was adopted.

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
March 21, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit to the Senate the following concurrent resolution:

House resolution No. 4.

Resolved by the House (the Senate concurring), That the Clerk of the House and the Secretary of the Senate be instructed to mail copies of the daily Journal to such persons as received them during the regular session of the Legislature, according to the several mailing lists furnished by the members thereof, subject to such changes and corrections as may be desirable; and that the amount of postage on such copies of said Journal so sent out shall be paid by the state treasurer on the warrant of the auditor general on the presentation of bills duly certified by the Clerk of the House or the Secretary of the Senate, showing that such stamps have been purchased and used only for the payment of postage in mailing copies of the Journal hereby ordered to be distributed;

Which has been adopted by the House, and in which the concurrence of the Senate is respectfully asked.

Very respectfully,

CHARLES S. PIERCE,
Clerk of the House of Representatives.

The question being on concurring in the adoption of the resolution,
The resolution was adopted.

The following message from the House was also received and read:

House of Representatives,
March 21, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit the following bill:

House bill No. 9 (file No. 8), entitled

A bill to provide for the expression by the qualified enrolled voters of the several political parties of their choice for the nomination by their party for the President of the United States, and making an appropriation to carry out the provisions of the same.

And to inform the Senate that the bill has passed the House and has been ordered to take immediate effect.

In this action of the House the concurrence of the Senate is respectfully asked.

Very respectfully,

CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was read a first and second time by its title, and pending its reference to a committee,

Mr. Mapes moved that the rules be suspended and that the bill be placed on the General Orders.

The motion prevailed, two-thirds of the Senators present voting therefor.

By unanimous consent the Senate took up the order of

REPORTS OF STANDING COMMITTEES.

By the Committee on Executive Business:

The Committee on Executive Business to which was referred the following nomination to office by the Governor:

Mary C. Spencer, Lansing, Ingham county, appointed State Librarian, September 30, 1911, to succeed herself, for the term ending March 31st, 1915;

Respectfully reports that it has had the same under consideration and recommends that the Senate advise and consent to the said nomination to office.

L. WHITNEY WATKINS,
Acting Chairman.

The report was accepted.

Mr. Moriarty moved that the rules be suspended and that the nomination of Mary C. Spencer, as State Librarian, be confirmed in open session.

The motion prevailed, two-thirds of the Senators present voting therefor.

The Senate then advised and consented to the foregoing appointment, a majority of the Senators present voting therefor, by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. Kingman	Mr. Murtha	Mr. Vaughan	
Bradley	Kline	Newton	Walter	
Cartier	Lee	Scott, G. G.	Ward	
Collins	Leidlein	Snell	Watkins	
Conley	Mapes	Taylor	Weter	
Foster	Miller	Vanderwerp	Wiggins	
Freeman	Moriarty			26

NAYS.

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Mr. Cartier moved that the Senate take a recess until 3:15 o'clock p. m.

The motion prevailed, the time being 2:35 o'clock p. m.

AFTER RECESS.

3:15 o'clock p. m.

The Senate was called to order by the President.

A quorum of the Senate was present.

The Senate took up the order of

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was received and read:

State of Michigan, Executive Office,

Lansing, March 21, 1912.

To the Forty-Sixth Legislature of the State of Michigan:

Gentlemen:—The legislature is authorized and requested to consider a bill or bills to fix the manner and provide the method of taking property for public utilities by cities and villages for public use, under article eight of the state constitution.

This is in response to Senate resolution No. 9, requesting the same.

Respectfully submitted,

CHASE S. OSBORN,

Governor.

The message was ordered spread upon the Journal.

INTRODUCTION OF BILLS.

Mr. Mapes introduced

Senate bill No. 8, entitled

A bill to fix the manner and provide the method of taking private property for public utilities by cities and villages under article 8 of the state constitution.

The bill was read a first and second time by its title, ordered printed, and referred to the Committee on Cities and Villages.

Mr. Kline moved that the Senate resolve itself into the committee of the whole on the

GENERAL ORDERS OF THE DAY.

The motion prevailed.

The President called Mr. Wiggins to the chair.

After some time spent therein, the committee rose, and through its chairman made the following report:

The committee has had under consideration the following:

House bill No. 9 (file No. 8), entitled

A bill to provide for the expression by the qualified enrolled voters of the several political parties of their choice for the nomination by their party for the President of the United States, and making an appropriation to carry out the provisions of the same;

But not having gone through therewith, has directed its chairman to report progress thereon and asks leave to sit again for the further consideration of the bill.

MILAN D. WIGGINS,
Chairman.

The report was accepted.

The Senate granted the committee leave to sit again for the further consideration of the bill.

By unanimous consent the Senate returned to the order of

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
March 21, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to return to the Senate the following concurrent resolution:

Senate resolution No. 7.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns today it stand adjourned until Monday, March 25, at 9 o'clock p. m.

In the adoption of which the House has concurred.

Very respectfully,

CHARLES S. PIERCE,
Clerk of the House of Representatives.

Mr. Mapes moved that the Senate adjourn.

The motion prevailed.

The President declared the Senate adjourned until Monday, March 25, at 9 o'clock p. m.

ELBERT V. CHILSON,
Secretary of the Senate.

THIRD DAY.

Lansing, Monday, March 25, 1912.

9 o'clock p. m.

The Senate met pursuant to adjournment and was called to order by the President.

The roll of the Senate was called by the Secretary.

The following Senators were present:

Messrs. Barnaby, Bradley, Cartier, Conley, Freeman, James, Kline, Mapes, Miller, Moriarty, Murtha, Newton, Rosenkrans, F. D. Scott, G. G. Scott, Vanderwerp, Walter, Ward, Weter and White—20.

The following Senators were absent with leave: Messrs. Foster, Fowle, Kingman, Leidlein and Snell—5.

The following Senators were absent without leave: Messrs. Collins, Lee, Putney, Taylor, Vaughan, Watkins and Wiggins—7.

Mr. Weter asked and obtained leave of absence for Mr. Leidlein from all of the sessions of the Senate up to and including Thursday, March 28, on account of a death in his family.

Mr. Weter moved that the other absentees without leave be excused from today's session.

The motion prevailed.

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was received and read:

State of Michigan, Executive Office,

Lansing, March 21, 1912.

To the Forty-Sixth Legislature of the State of Michigan:

Gentlemen:—The Legislature is authorized to consider a bill or bills to regulate the surety bond business in the State of Michigan. This has particular reference to the Michigan Bonding and Surety Company, which has a practical monopoly of furnishing bonds for saloonkeepers. No monopoly of this nature should be encouraged or permitted to exist in this state.

Respectfully submitted,

CHASE S. OSBORN,
Governor.

The following message from the Governor was also received and read:

State of Michigan, Executive Office,
Lansing, March 22, 1912.

To the Forty-Sixth Legislature of the State of Michigan:

Gentlemen:—The Legislature is authorized and requested to consider a bill or bills to amend section one of Act No. 232 of the Public Acts of 1911 so that an error that appears in said act may be corrected.

This message is in response to House resolution No. 10 requesting the same.

Respectfully submitted,
CHASE S. OSBORN,
Governor.

The following message from the Governor was also received and read:

State of Michigan, Executive Office,
Lansing, March 25, 1912.

To the Forty-Sixth Legislature of the State of Michigan:

Gentlemen:—For your information, and because it has a bearing upon important legislation under consideration by the Legislature, I transmit to you the following letter:

“Detroit Lodge No. 1
KNIGHTS OF THE ROYAL ARK
JOHN GRIFFIN, Secretary
217 Michigan Avenue.

“March 21, 1912.

“Whereas, The Governor has seen fit to call the Legislature in a second extraordinary session, and whereas he has submitted to such extraordinary special session, among other things, the following:

First. The brewery owned saloon.

Second. Change in the saloon bonding system.

Third. The initiative, referendum and recall.

Fourth. Women suffrage.

“Therefore be it resolved, That the Knights of the Royal Ark of Wayne County at a regular meeting held Thursday, March 21, 1912, are unanimously opposed to any liquor legislation or any change in the present bonding law and women suffrage, and to the initiative, referendum and recall, and especially are we opposed to dealing with such important questions at a special session of the Legislature when due consideration cannot be given them, and we respectfully request the delegation from Wayne County in the Legislature, to oppose these propositions.

“Be it further resolved, That a copy of these resolutions be sent to each Senator and Representative from Wayne County.

Yours very truly,

(Signed) ANTHONY IBBOTSON, President.
CHAS. W. MCCAULEY, Vice-Pres.
JOHN GRIFFIN, Secretary.

This letter was sent to every member of the Legislature from Wayne County by special delivery post, reaching Lansing Friday morning, March 22, after your week-end adjournment.

I have made the claim in my messages to you that the organized saloon and brewery interests were unwarrantably active in Michigan politics.

The order of the Knights of the Royal Ark is composed of saloon-keepers. These saloon keepers are all dependent upon the Michigan Bonding and Surety Company for their bonds. Very many of them run brewery-owned saloons. The connection between the Knights of the Royal Ark and the Michigan Bonding and Surety Company and the large brewers of Chicago, Milwaukee, Detroit and elsewhere, is direct and unbroken. They might be warranted in taking a position in opposition to the proposed brewery and bonding legislation; but when they extend their influence to such questions as the Initiative, Referendum and Recall and Woman Suffrage, it proves that they fear the wholesome public voice and are disposed to smother it wherever possible.

It is apodeictic that "birds of a feather flock together." When the state is fighting a public enemy it is perfectly proper to call the attention of the people to the strength of that enemy in all directions of sympathy and connections. The Detroit Free Press and the Detroit Journal are active supporters of the Michigan Bonding and Surety Company and of the brewery-owned saloon. Large newspapers are quasi public factors. It is proper to publicly study their character and to point out wherein they are conducted in a manner inimical to the interests of society. I shall endeavor to briefly show, and without any more malice or anger or temper than the surgeon displays when he does his work in the operating room, why the Free Press and the Journal and the big brewers and the Michigan Bonding and Surety Company flock together.

E. D. Stair, a large owner of these papers, won his money from the cheap and vulgar and suggestive theater business. So illy-conducted were some of them that one at least became known to the police and public in Detroit as the "crime academy." The business of obtaining recruits for this theater was only a thin stratum above the white slave traffic. This business and the saloon business have been injured by the development of the five-cent theater, which under proper regulations is a wholesome and inexpensive form of entertainment, competing to good public advantage with the undesirable saloon and immoral theater. In an editorial in the Detroit Free Press, March 22, 1912, the five-cent theaters were classified with the alleged dangerous crazes of the day in this phrase: "Prevalent madness for moving picture shows." Mr. Stair bought his newspapers with the funds obtained from low passion tariff and is running them as recklessly as one might who had purchased a high power rifle, the use of which he did not understand, and was shooting indiscriminately within the city limits.

The business of conducting debasing theaters, and the business of keeping bad saloons, and the business of artificially stimulating the saloon business by big brewers, are all afraid of the extension of the decent influence of women into the political sphere, and they are all opposed to the Initiative, Referendum and Recall, the Presidential Primary, and other curative measures which will permit an honest public to get at and destroy their culture grounds of vice. The question before us

seems to be plain, and that is how many of us will flock with the Michigan Bonding and Surety Company, the brewery-owned saloon and Mr. Stair, and who will forgather with those who are standing and hoping for better things in Michigan. The Agents of evil obtain their profits from the common people by selling them things that excite sensual debaucheries and then use the same money to prevent their emancipation and improvement, thus keeping them in a state of sad bondage wherein they are most easily preyed upon. Thus are the masses made to forge their own shackles and wear them.

The argument is made for the Michigan Bonding and Surety Company monopoly that it refuses bonds to improper persons and thus improves the saloon business. It has not done this or there would be no saloon dives in Michigan. It refuses saloon bonds to only those who will not promise to heed its hight. It is the duty of the State of Michigan to retain and apply its police power as a state, and it should not turn the regulation of the saloon business over to such a malevolent monopoly as the Michigan Bonding and Surety Company any more than a wolf should be put in charge of a lamb kindergarten.

Respectfully submitted,

CHASE S. OSBORN,
Governor.

The following message from the Governor was also received and read :

State of Michigan, Executive Office,
Lansing, March 25, 1912.

To the Forth-Sixth Legislature of the State of Michigan :

Gentlemen:—You are authorized and requested to consider a bill or bills for the purpose of abolishing the office of State Inspector of Oils and of transferring the duties of that office to the department of the Dairy and Food Commissioner.

You are also authorized and requested to consider a bill or bills to abolish the office of State Salt Inspector and to transfer the duties of that office to the Department of the Dairy and Food Commissioner.

This is in accordance with my first message to the Legislature. The work of these departments, if necessary, can be performed by the same officials that are now doing the work of the Dairy and Food Department. The work of the Dairy and Food Department requires the inspectors of that department to go to the places where salt and oil may be inspected. The work can be as effectively done by the Dairy and Food Department as it is performed now, and without much additional cost to that department. The saving to the taxpayers of Michigan accomplished by this legislation would be very considerable and worth making.

If the machinery of government can be improved without reducing the efficiency of performance, and a saving accomplished at the same time, there can be no sufficient argument against the passage of these measures.

Respectfully submitted,

CHASE S. OSBORN,
Governor.

The following message from the Governor was also received and read:

State of Michigan, Executive Office,
Lansing, March 25, 1912.

To the Forty-Sixth Legislature of the State of Michigan:

Gentlemen:—In response to a request for authority made through the medium of House resolution number 12, you are authorized to consider a bill or bills to amend Act No. 119 of the Public Acts of 1893, entitled: "An act to define what shall constitute fraternal beneficiary societies, orders, associations, etc.," in such way that the Insurance Department may refuse a certificate to domestic or foreign associations hereafter organized unless their rates are based on a standard table of mortality.

Respectfully submitted,
CHASE S. OSBORN,
Governor.

The messages were ordered spread upon the Journal.

ANNOUNCEMENTS FROM THE SECRETARY.

Pursuant to Rule 9 of the Senate Rules, I respectfully report that Senate bill No. 1 (file No. 1),

Was received from the printer on March 21, and is now on file in the document room of the Senate;

Also:

Senate bill No. 2 (file No. 2);

Senate bill No. 3 (file No. 3);

Senate bill No. 4 (file No. 4);

Senate bill No. 5 (file No. 5);

Senate bill No. 6 (file No. 6);

Senate bill No. 7 (file No. 7);

Senate bill No. 8 (file No. 8);

Have this day been received from the printer and are on file in the document room of the Senate.

ELBERT V. CHILSON,
Secretary of the Senate.

PRESENTATION OF PETITIONS.

Petition No. 1. By Mr. Weter: Petition of R. R. Moore and 13 other citizens of St. Clair county in favor of the passage of the so-called Watkins-Field bill, and urging that favorable consideration be given the measure known as the Taylor-Ball bill.

The petition was referred to the Committee on Insurance.

Petition No. 2. By Mr. Weter: Petition of C. M. Estes and 33 other citizens of Macomb county, on the same subject.

Same reference.

Petition No. 3. By Mr. Weter: Petition of Wm. R. Kemp and 15 other citizens of St. Clair county, on the same subject.
Same reference.

Petition No. 4. By Mr. Conley: Petition of B. Gibson and 50 other citizens of Millington, Tuscola county, on the same subject.
Same reference.

Petition No. 5. By Mr. Rosenkrans: Petition of Grant L. Jordan and 27 other citizens of Aurelius township, Ingham county, on the same subject.
Same reference.

Petition No. 6. By Mr. Rosenkrans: Petition of L. H. Stevens and 46 other citizens of Shiawassee county, on the same subject.
Same reference.

Petition No. 7. By Mr. Rosenkrans: Petition of Art L. Buck and 49 other citizens of Mason, Ingham county, on the same subject.
Same reference.

Petition No. 8. By Mr. Rosenkrans: Petition of Asa Hoskins and 50 other citizens of Perry, Shiawassee county, on the same subject.
Same reference.

Petition No. 9. By Mr. Bradley: Petition of F. H. Hudson and 36 other citizens of Belding, Ionia county, on the same subject.
Same reference.

Petition No. 10. By Mr. Bradley: Petition of Lulu P. Benedict and 57 other residents of Ionia county, urging the submission to the voters of the State of a constitutional amendment granting to women the right of suffrage.

The petition was referred to the Committee on Constitutional Amendments.

Petition No. 11. By Mr. Bradley: Petition of F. J. Young and 43 other citizens of Ionia county, on the same subject.
Same reference.

Petition No. 12. By Mr. Bradley: Petition of John J. Green and 20 other citizens of Ionia county, on the same subject.
Same reference.

Petition No. 13. By Mr. Bradley: Petition of Alfred R. Locke and 100 other citizens of Ionia county, on the same subject.
Same reference.

MOTIONS AND RESOLUTIONS.

Mr. Cartier offered the following resolution:

Senate resolution No. 10.

Resolved by the Senate (the House of Representatives concurring), That after the business adjournment of the Legislature no Senator or Representative, nor any employe of either branch of the Legislature, shall receive compensation, except those employes who shall be designated by the President of the Senate and the Speaker of the House of Representatives, to be actually necessary to complete the business of this session.

The question being on the adoption of the resolution,

Mr. Bradley moved that the resolution be laid on the table,

Upon which motion Mr. Cartier demanded the yeas and nays.

The motion did not prevail, a majority of the Senators present not voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby Bradley	Mr. Conley	Mr. Walter	Mr. Ward	5
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NAYS.

Mr. Cartier Freeman James Mapes	Mr. Miller Moriarty Murtha Newton	Mr. Rosenkrans Scott, F. D. Scott, G. G.	Mr. Vanderwerp Weter White	14
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Mr. Cartier moved the previous question,

Which motion was seconded.

The question being "Shall the main question be now put?"

The same was ordered.

The question being on the adoption of the resolution offered by Mr. Cartier,

The resolution was adopted.

Mr. Cartier moved to take from the table

Senate resolution No. 8.

Resolved by the Senate (the House of Representatives concurring), That from and after 12 o'clock noon on Friday, March 29, 1912, the two houses of the Legislature will transact no other business than for the President of the Senate and the Speaker of the House of Representatives to sign enrolled bills for presentation to the Governor, and the entry of the same on the Journal by the Secretary of the Senate and Clerk of the House of Representatives, and the day of final adjournment of the Legislature shall be on Tuesday, April 30, 1912 at 12 o'clock noon.

Upon which motion Mr. Mapes demanded the yeas and nays.

The motion did not prevail, a majority of the Senators present not voting therefor, by yeas and nays as follows:

YEAS.

Mr. Cartier Freeman	Mr. Miller Moriarty	Mr. Murtha Ward	Mr. White	7
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NAYS.

Mr. Barnaby
Bradley
Conley
James

Mr. Kline
Mapes
Newton

Mr. Rosenkrans
Scott, F. D.
Scott, G. G.

Mr. Vanderwerp
Walter
Weter

13

Mr. Cartier moved that the Senate adjourn.
The motion did not prevail.

Senator Collins entered the Senate Chamber and took his seat.

Mr. Moriarty moved that the Senate resolve itself into the committee of the whole on the

GENERAL ORDERS OF THE DAY.

The motion prevailed.

The President called Mr. Walter to the chair.

After some time spent therein, the committee rose, and through its chairman made the following report:

The committee has had under consideration the following:

House bill No. 9 (file No. 8), entitled

A bill to provide for the expression by the qualified enrolled voters of the several political parties of their choice for the nomination by their party for the President of the United States, and making an appropriation to carry out the provisions of the same;

Has adopted a substitute therefor and has directed its chairman to report the same back to the Senate asking that the substitute be concurred in and recommend that as substituted, the bill pass.

ROBERT E. WALTER,
Chairman.

The report was accepted.

The Senate concurred in the substitute made to the bill named in the report and the bill was placed on the order of third reading of bills.

The following is the substitute:

A bill to amend section 2 of House enrolled Act No. 2 of the first special session of 1912, entitled "An act to provide for the expression by the qualified enrolled voters of the several political parties of their choice for the nomination by their party for the President of the United States, and making an appropriation to carry out the provisions of the same."

The People of the State of Michigan enact:

Section 1. Section 2 of House enrolled Act No. 2 of the First Special Session of 1912, entitled "An act to provide for the expression by the qualified enrolled voters of the several political parties of their choice for the nomination by their party for the President of the United States,

and making an appropriation to carry out the provisions of the same," is hereby amended to read as follows:

Sec. 2. The names of any candidates for the office of President of the United States shall be printed on the official primary ballot solely upon petition of their political supporters in Michigan, which petition shall be signed by not less than one hundred of the qualified enrolled voters of such political party, and said petition shall be filed with the Secretary of State on or before twelve o'clock noon, March (twenty-seventh), 1912, and on or before twelve o'clock noon on the first Monday of March in each fourth year thereafter. The nominating ballots as herein provided for shall be counted, canvassed and returned in the same manner as the names and petitions of the aspirant for the party nomination for the office of Governor are now required to be marked, filed, counted, canvassed and returned.

Mr. Moriarty moved that the Senate return to the order of Third Reading of Bills,

Pending which motion,

Mr. Mapes moved that the Senate adjourn.

The motion prevailed.

The President declared the Senate adjourned until tomorrow at 2 o'clock p. m.

ELBERT V. CHILSON,
Secretary of the Senate.

FOURTH DAY,

Lansing, Tuesday, March 26, 1912.

2 o'clock p. m.

The Senate met pursuant to adjournment and was called to order by the President.

Religious exercises were conducted by Rev. C. H. Hanks, of Owosso. The roll of the Senate was called by the Secretary.

The following Senators were present:

Messrs. Barnaby, Bradley, Cartier, Collins, Conley, Foster, Fowle, Freeman, James, Kingman, Kline, Lee, Mapes, Miller, Moriarty, Murtha, Newton, Putney, Rosenkrans, F. D. Scott, G. G. Scott, Snell, Taylor, Vanderwerp, Vaughan, Walter, Ward, Weter, White and Wiggins—30.

The following Senator was absent with leave: Mr. Leidlein—1.

The following Senator was absent without leave: Mr. Watkins—1.

Mr. Weter moved that Mr. Watkins be excused from today's session. The motion prevailed.

By unanimous consent the Senate took up the order of

MOTIONS AND RESOLUTIONS.

Mr. Miller offered the following resolution:

Senate resolution No. 11.

Resolved by the Senate (the House of Representatives concurring), That such parts of a message transmitted by the Governor to each house of the Legislature and received by said houses on the 25th day of March, A. D. 1912, as mention or refer to, directly or indirectly, one E. D. Stair of the city of Detroit, be expunged from the Journals of said Senate and House of Representatives; and be it further

Resolved, That the Journals of said Senate and House of Representatives containing a report of the proceedings of said day, which have already been printed, be withdrawn from circulation and destroyed; and be it further

Resolved, That the Journals of said Senate and House of Representatives for said 25th day of March, A. D. 1912, be corrected in accordance with this resolution and be reprinted.

The question being on the adoption of the resolution,
Mr. Mapes moved that the resolution be laid on the table,
Upon which motion he demanded the yeas and nays.

The motion made by Mr. Mapes then did not prevail, a majority of
the Senators present not voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby Bradley Conley	Mr. Fowle Kingman Mapes	Mr. Newton Putney	Mr. Vanderwerp Weter	10
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NAYS.

Mr. Cartier Collins Foster Freeman James	Mr. Kline Lee Miller Moriarty Murtha	Mr. Rosenkrans Scott, G. G. Snell Taylor Vaughan	Mr. Walter Ward White Wiggins	19
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The question being on the adoption of the resolution,
Mr. Miller demanded the yeas and nays.

The resolution was then adopted, a majority of the Senators present
voting therefor by yeas and nays as follows:

YEAS.

Mr. Cartier Collins Conley Foster Freeman James	Mr. Kingman Kline Lee Miller Moriarty	Mr. Murtha Rosenkrans Scott, G. G. Snell Taylor	Mr. Vaughan Walter Ward White Wiggins	21
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NAYS.

Mr. Barnaby Bradley	Mr. Fowle Mapes	Mr. Newton Putney	Mr. Vanderwerp Weter	8
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PRESENTATION OF PETITIONS.

Petition No. 14. By Mr. Cartier: Petition of George W. Shepherd
and 32 other citizens of Newaygo county, in favor of the passage of the
Watkins-Field bill and the Taylor-Ball bill.

The petition was referred to the Committee on Insurance.

Petition No. 15. By Mr. Cartier: Petition of C. E. Davis and 79
other citizens of Mason county, on the same subject.
Same reference.

Petition No. 16. By Mr. F. D. Scott: Petition of L. A. Hugh and
28 other citizens of Charlevoix county, on the same subject.
Same reference.

Petition No. 17. By Mr. F. D. Scott: Petition of A. VanAuken and 27 other citizens of Otsego county, on the same subject.
Same reference.

Petition No. 18. By Mr. F. D. Scott: Petition of J. Pearson and 49 other citizens of Onaway, Presque Isle county, on the same subject.
Same reference.

Petition No. 19. By Mr. Conley: Petition of G. W. Smith and 104 other citizens of Lapeer county, on the same subject.
Same reference.

Petition No. 20. By Mr. Conley: Petition of W. B. Weaver and 43 other citizens of Tuscola county, on the same subject.
Same reference.

Petition No. 21. By Mr. White: Petition of Lewis B. Rough and 32 other citizens of Berrien county, on the same subject.
Same reference.

Petition No. 22. By Mr. Newton: Petition of R. E. Benjamin and 182 other citizens of Oakland county, on the same subject.
Same reference.

Petition No. 23. By Mr. Newton: Petition of G. F. Tripp and 109 other citizens of Washtenaw county, on the same subject.
Same reference.

Petition No. 24. By Mr. Putney: Petition of G. A. Fee and 107 other citizens of Sanilac county, on the same subject.
Same reference.

Petition No. 25. By Mr. Rosenkrans: Petition of O. L. Snow and 69 other citizens of Ingham county, on the same subject.
Same reference.

Petition No. 26. By Mr. Vaughan: Petition of S. C. VanHouten and 38 other citizens of Barry county, on the same subject.
Same reference.

Petition No. 27. By Mr. Vaughan: Petition of R. J. Slee and 49 other citizens of Eaton county, on the same subject.
Same reference.

Petition No. 28. By Mr. Vaughan: Petition of J. W. Rochelle and 15 other citizens of Clinton county, on the same subject.
Same reference.

Petition No. 29. By Mr. Kingman: Petition of George Killeen and 57 other citizens of Calhoun county, on the same subject.
Same reference.

Petition No. 30. By Mr. Kingman: Petition of Clarence S. Burns and 22 other citizens of Branch county, on the same subject.

Same reference.

Petition No. 31. By Mr. Collins: Petition of Frank Chaffee and 40 other citizens of Midland county, on the same subject.

Same reference.

Petition No. 32. By Mr. Ward: Petition of C. T. Jack and 39 other citizens of Isabella county, on the same subject.

Same reference.

Petition No. 33. By Mr. Ward: Petition of L. A. Sharp and 12 other citizens of Alma, Gratiot county, on the same subject.

Same reference.

Petition No. 34. By Mr. Ward: Petition of Hugh Kennedy and 43 other citizens of Mecosta county, on the same subject.

Same reference.

Petition No. 35. By Mr. Freeman: Petition of James W. Edgar and 58 other citizens of Livingston county, on the same subject.

Same reference.

Petition No. 36. By Mr. Freeman: Petition of Fred W. McCann and 92 other citizens of Genesee county, on the same subject.

Same reference.

Petition No. 37. By Mr. Bradley: Petition of Carl Critchett and 110 other citizens of Montcalm county, on the same subject.

Same reference.

Petition No. 38. By Mr. Bradley: Petition of A. E. North and 18 other citizens of Ionia county, on the same subject.

Same reference.

Petition No. 39. By Mr. Taylor: Petition of Ernest W. Morse and 164 other citizens of Kalamazoo county, on the same subject.

Same reference.

Petition No. 40. By Mr. Taylor: Petition of Frank E. Schweitzer and 38 other citizens of St. Joseph county, on the same subject.

Same reference.

Petition No. 41. By Mr. Walter: Petition of William T. Hill and 47 other citizens of Kalkaska county, on the same subject.

Same reference.

Petition No. 42. By Mr. Walter: Petition of L. H. Morrison and 28 other citizens of Grand Traverse county, on the same subject.

Same reference.

Petition No. 43. By Mr. G. G. Scott: Petition of Geo. B. March and 9 other citizens of Wayne county, on the same subject.
Same reference.

Petition No. 44. By Mr. Vanderwerp: Petition of J. W. Davids and 62 other citizens of Muskegon county, on the same subject.
Same reference.

Petition No. 45. By Mr. Kline: Petition of Fred A. Harvey and 83 other citizens of Adrian, Lenawee county, on the same subject.
Same reference.

Petition No. 46. By Mr. Kline: Petition of Edwin Simpson and 70 other citizens of Lenawee county, on the same subject.
Same reference.

Petition No. 47. By Mr. Vanderwerp: Petition of H. E. Wylie and 13 other voters of Montague township, Muskegon county, urging the submission to the people of a constitutional amendment relative to woman suffrage.

The petition was referred to the Committee on Constitutional Amendments.

Petition No. 48. By Mr. Vanderwerp: Petition of C. G. Pitkin and 97 other citizens of Whitehall, Muskegon county, on the same subject.
Same reference.

Petition No. 49. By Mr. Kline: Petition of Bert A. Onsted and 22 other citizens of Cambridge township, Lenawee county, urging the giving of immediate effect to a presidential preference primary bill.

The petition was referred to the Committee on Elections.

Petition No. 50. By Mr. Freeman, on request of Gov. Osborn:

Flint, Michigan, March 18, 1912.

The undersigned voters of Genesee County feeling that their wishes are not being considered by Senator Freeman with reference to the immediate effect Primary bill, take this method of expressing their approval of the proposed legislation:

Frank Cotville, Roy Sayers, B. M. Lutze, W. Y. Beeford, H. Gordon, B. L. Chiles, F. E. Taylor, W. M. Collins, H. E. Cooke, Charles H. Schutte, D. D. Fisher, W. E. Miller, H. E. Markey, Wm. Nickle, H. Z. Forshee, E. P. Wiley, J. J. Walter, E. Finck, F. E. Seeley, D. W. Howard, H. A. Lawrence, C. M. Tailan, F. Richards, J. J. Kerkey, J. T. Knowles, H. H. Ramsey, Burt Wright, E. A. Birdsall, W. J. Dewitt, B. C. Turner, Newing McConnell, Alfred Cole, F. Clare, J. A. Zink, R. J. Rother, L. R. Eggleston, H. A. Wickhorn, W. Huston, L. Huske, John O'Malley, Carl Damman, I. E. McConnell, Geo. Hofmann, Wm. L. Guipe, R. Richardson, L. C. Cushing, E. E. Van Norman, Chas. Koll, A. Y. Witch, G. L. Williams, C. Williams, Geo. H. Bennett, C. Liver-son, C. Ramsdell, Herbert Hutchins, I. Redmond, O. Baer, W. Patterson,

C. A. Blake, Wm. C. Rienhart, M. Bridgman, B. Spencer, C. H. Schultz, Art Cox, G. H. McVarned, A. B. Houghtaling, L. Benedict, H. J. McGrail, L. R. Clough, S. F. Crouter, H. L. Harris, C. E. Tigner, C. A. Wilber, C. D. Cramer, H. Fizloe, J. Devereur, E. G. Caldwell, H. A. Carr, F. Wilmer, F. Beasen, B. Helmer, Andrew Pyne, Henry Darcy, Geo. E. Gensirt, John Burly, A. Wilcox, Harry Jensen, James Veeham, Geo. Wilson, John M. Walsh, A. Thompson, Ralph E. Hudson, F. W. Bedford, N. Kramer, Clyde Jamings, A. C. Mann, E. M. Rossman, Wm. Law, C. Dunkin, L. A. M. Lees, O. R. Craven, Wm. E. Jackson, Leo. J. McDonnell, J. C. McIntyre, L. M. Miller, Wm. H. Summerfield, Walter Purcell, A. S. Gillard, K. H. Tenny, Oscar C. Anderson, O. W. Edwards, L. L. Downer, G. A. Umphrey, S. E. Thorp, H. E. Loveland, H. M. Weller, H. E. Bates, S. E. Goodman, P. G. Gunsberg, S. J. Scott, Earl J. Creen, C. D. Childs, R. W. Sinclair, C. E. Barnes, Fred A. Cowen, Victor T. Kursch, Pearl Wynne, Wm. Harris, W. J. Haure, Chas. Craven, T. S. Bird, Wm. H. Mitchell, Garfield S. Flanders, J. C. Jackson, F. A. Wheeler, John F. McKimiss, John Bond, Earnest Neal, Floyd Hendrick, Arthur N. Leedy, J. A. Kennedy, John L. Ernst, A. R. Merritt, Leo Deemsky, E. L. Grimes, Arthur Plow, Richard Saine, Percy Camercon, Frank Lynn, Miles Alexander, Jas. Anderson, A. H. Isham, Guy Street, O. H. Bearman, Fred Hammel, John Riddel, J. N. Karks, Geo. Beebbee, C. R. Hatch, Otto Smith, J. Lemen, F. Brown, Joseph Budinsky, James A. Andrews, Chas. Hoppel, Floyd Richardson, Ralph Carnell, J. D. Kelly, A. H. Traverse, Charles K. Jaggi, J. N. Johnson, Frank Berry, Wm. Hamilton, C. H. Crocker, B. E. Westrick, James Hill, W. Umphrey, John S. Smith, C. E. Moore, K. S. Ramage, G. M. Eaton, L. E. Denings, L. S. Luasseur, A. B. Coggins, R. H. Felt, Geo. S. Miller, F. C. Schmidt, H. A. Lincoln, Chas. Marble, E. Hoffman, H. H. Wait, P. J. Moohan, F. J. Nuepper, C. Higgins, A. Wood, R. J. Lynch, J. H. Burnett, John Chapelly, E. Grant, T. Smith, A. J. Moss, E. Brooks, W. A. Morrow, Wm. A. Wilkinson, C. Leinbach, J. G. Hester, D. Rashatt, Alien Bedell, W. Russell, Herb Moss, William Blue, Russell Clark, C. S. Wirsing, H. W. Cairger, F. L. Munford, Jr., R. J. Cassner, V. S. Crampton, W. Sexsmith, B. Anthony, H. G. Davies, E. A. Shaw, Harley Moss, O. A. F. Burshson, Geo. Hart.

The petition was referred to the Committee on Elections.

By unanimous consent the Senate returned to the order of

MOTIONS AND RESOLUTIONS.

Mr. Taylor offered the following resolution:

Senate resolution No. 12.

Resolved, That a respectful message be sent to the Governor requesting him to submit to this Legislature the proposition of the state erection of armories.

The resolution was adopted.

REPORTS OF STANDING COMMITTEES.

By the Committee on Constitutional Amendments:
 The Committee on Constitutional Amendments reports
 Senate concurrent resolution No. 3 (file No. 3), entitled
 Concurrent resolution proposing an amendment to section 1 of article
 3 of the constitution of this State, relative to the right of women to vote;
 Without recommendation.

HORACE T. BARNABY,
 Chairman.

The report was accepted.

Mr. Barnaby moved that the rules be suspended and that the concurrent resolution be placed on its immediate consideration.

Mr. Moriarty moved that the motion be laid on the table.

The motion made by Mr. Moriarty did not prevail.

The question being on the motion made by Mr. Barnaby, that the concurrent resolution be placed on its immediate consideration,

The motion prevailed.

The concurrent resolution was then read a third time, and pending the taking of the vote on the adoption thereof,

Mr. Kingman moved to amend the concurrent resolution as follows:

1. By striking out of line 1 of Sec. 1 the words "male or female."
2. By striking out of line 2 of Sec. 1 the words "male or female."
3. By striking out of line 4 of Sec. 1 the words "male or female."

The motion to amend prevailed.

The question being on the adoption of the concurrent resolution,

Mr. Taylor moved to amend the concurrent resolution as follows:

By striking out of lines 26 and 27 all of the proviso.

The motion to amend prevailed.

The question being on the adoption of the concurrent resolution,

Mr. Miller moved to amend the concurrent resolution as follows:

1. By inserting in line 29 of Sec. 1 after the word "general" the word "spring."
2. By striking out of lines 29 and 30 of Sec. 1 the words and figures "month of November in the year 1912," and inserting in lieu thereof the word and figures "year 1913."

The motion to amend did not prevail.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was then adopted, two-thirds of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. Kingman	Mr. Rosenkrans	Mr. Walter	
Bradley	Kline	Scott, F. D.	Ward	
Conley	Lee	Snell	Weter	
Foster	Mapes	Taylor	White	
Fowle	Newton	Vanderwerp	Wiggins	
James	Putney	Vaughan		23

NAYS.

Mr. Cartier	Mr. Freeman	Mr. Murtha	Mr. Scott, G. G.
Collins			

The title of the concurrent resolution was agreed to.

The following is the concurrent resolution:

A concurrent resolution proposing an amendment to section 1 of article 3 of the constitution of this State, relative to the right of women to vote.

Resolved by the Senate of the State of Michigan (the House of Representatives concurring), That the following amendment to the Constitution of this State be and the same is hereby proposed, that is to say, that section 1 of article 3 of said Constitution, relative to the right of women to vote, be amended to read as follows:

Section 1. In all elections, every inhabitant of this State being a citizen of the United States; every inhabitant residing in this State on the twenty-fourth day of June, 1835; every inhabitant residing in this State on the first day of January, 1850; every male inhabitant of foreign birth who, having resided in the State two years and six months prior to the eighth day of November, 1894, and having declared his intention to become a citizen of the United States two years and six months prior to said last named day; [the wife of any inhabitant of foreign birth who, having resided in the State two years and six months prior to the eighth day of November, 1894, and having declared his intention to become a citizen of the United States two years and six months prior to said last named day] and every civilized inhabitant of Indian descent and native of the United States and not a member of any tribe, shall be an elector and entitled to vote; but no one shall be an elector or entitled to vote at any election, unless he [or she] shall be above the age of twenty-one years and has resided in this State six months and in the township or ward in which he [or she] offers to vote twenty days next preceding such election: Provided, That in time of war, insurrection or rebellion, no qualified elector in the actual military service of the United States or of this State, or in the army or navy thereof, shall be deprived of [a] vote by reason of * * * absence from the township, ward or State in which [such elector] resides; and the Legislature shall provide by law the manner in which and the time and place at which such absent electors may vote and for the canvass and return of their votes.

And be it resolved further, That the foregoing amendment be submitted to the people of this State at the general election to be held in the month of November in the year 1912. The Secretary of State is hereby required to certify the foregoing amendment to the clerks of the several counties of the State as required by law. It shall be the duty of the board of election commissioners of each county to prepare a ballot for the use of the electors for voting upon said amendment, which ballot shall be in substantially the following form:

"Vote on amendment to section 1 of article 3 of the Constitution, relative to the right of women to vote.

Amendment to section 1 of article 3 of the Constitution, relative to the right of women to vote, YES ().

Amendment to section 1 of article 3 of the Constitution, relative to the right of women to vote, NO ()."

It shall be the duty of the board of election commissioners of each county to deliver the ballot so prepared to the inspectors of election at

the several voting precincts within their respective counties within the time ballots to be used at said election are required to be delivered to such inspectors under the general election law. All votes cast upon said amendment shall be counted, canvassed and returned in the same manner as is provided by law for counting, canvassing and returning the vote for State officers.

THIRD READING OF BILLS.

Senate substitute for House bill No. 9 (file No. 8), entitled

A bill to amend section 2 of House enrolled Act No. 2 of the first special session of 1912, entitled "An act to provide for the expression by the qualified enrolled voters of the several political parties of their choice for the nomination by their party for the President of the United States, and making an appropriation to carry out the provisions of the same."

Was read a third time and passed, a majority of the Senators-elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Rosenkrans	Mr. Walter	
Bradley	Kline	Scott, F. D.	Ward	
Cartier	Mapes	Vanderwerp	Weter	
Conley	Newton	Vaughan	Wiggins	
Fowle	Putney			18

NAYS.

Mr. Collins	Mr. Lee	Mr. Murtha	Mr. Taylor	
Foster	Miller	Scott, G. G.	White	
Freeman	Moriarty	Snell		11

The title of the bill was agreed to.

Mr. Mapes moved that the bill be ordered to take immediate effect, Upon which motion Mr. White demanded the yeas and nays.

The motion did not prevail, two-thirds of the Senators-elect not voting therefor, by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Rosenkrans	Mr. Walter	
Bradley	Mapes	Scott, F. D.	Ward	
Cartier	Newton	Vanderwerp	Weter	
Conley	Putney	Vaughan	Wiggins	
Fowle				17

NAYS.

Mr. Collins	Mr. Kline	Mr. Moriarty	Mr. Snell	
Foster	Lee	Murtha	Taylor	
Freeman	Miller	Scott, G. G.	White	
Kingman				13

The Secretary read to the Senate the following telegram:

Jackson, Mich., March 26, 1912.

Hon. E. V. Chilson, Secretary of the Senate, Lansing:

I am unavoidably detained from today's session of the Senate, but would like it recorded that had I been present I would have voted for the presidential preference primary bill and for immediate effect of the bill.

L. WHITNEY WATKINS,

10th District.

The message was ordered spread upon the Journal.

Mr. Collins sent to the Secretary's desk and asked and received consent to have spread upon the Journal the following explanation of his vote upon the bill:

In connection with my vote on Senate substitute for House bill No. 9 (file No. 8), I make the following explanation:

I do not consider it practicable to put such a bill into effect in the short space of five days, which is the length of time now left before the April election. I do not believe it possible that names of candidates could be petitioned for, the ballots printed and distributed in this period of time.

W. A. COLLINS,

24th District.

Mr. Cartier moved that the Senate adjourn.

The motion prevailed.

The President declared the Senate adjourned until tomorrow at 2 o'clock p. m.

ELBERT V. CHILSON,
Secretary of the Senate.

FIFTH DAY.

Lansing, Wednesday, March 27, 1912.

2 o'clock p. m.

The Senate met pursuant to adjournment and was called to order by the President.

The roll of the Senate was called by the Secretary.

The following Senators were present:

Messrs. Barnaby, Bradley, Cartier, Collins, Conley, Foster, Fowle, Freeman, James, Kingman, Kline, Lee, Leidlein, Mapes, Miller, Moriarty, Murtha, Newton, Putney, Rosenkrans, F. D. Scott, G. G. Scott, Snell, Taylor, Vanderwerp, Vaughan, Walter, Ward, Watkins, White and Wiggins—32.

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was received and read:

State of Michigan, Executive Office,

Lansing, March 27, 1912.

To the Forty-sixth Legislature of the State of Michigan:

Gentlemen—The Legislature is authorized to consider a bill or bills to provide for the erection of armories by the state.

This message is in response to Senate resolution No. 12 and House resolution No. 15, requesting the same.

Respectfully submitted,

CHASE S. OSBORN,
Governor.

The message was ordered spread upon the Journal.

PRESENTATION OF PETITIONS.

Petition No. 51. By Mr. Cartier: Petition of W. B. Pool and 23 other citizens of Lake county, in favor of the passage of the Watkins-Field bill and the Taylor-Ball bill.

The petition was referred to the Committee on Insurance.

Petition No. 52. By Mr. Vaughan: Petition of E. Swarthout and 41 other citizens of Clinton county, on the same subject.
Same reference.

Petition No. 53. By Mr. Vaughan: Petition of James B. Pinckard and 68 other citizens of Barry county, on the same subject.
Same reference.

Petition No. 54. By Mr. Lee: Petition of Gordon Z. Gage and 201 other citizens of Wayne county, on the same subject.
Same reference.

Petition No. 55. By Mr. Freeman: Petition of L. S. Brooke and 21 other citizens of Livingston county, on the same subject.
Same reference.

Petition No. 56. By Mr. Weter: Petition of W. J. Cain and 27 other citizens of St. Clair county, on the same subject.
Same reference.

Petition No. 57. By Mr. Conley: Petition of J. A. Schweitzer and 32 other citizens of Tuscola county, on the same subject.
Same reference.

Petition No. 58. By Mr. Conley: Petition of Charles Bragg, Pastor, and members of the East Goodland M. P. Church, on the same subject.
Same reference.

Petition No. 59. By Mr. Wiggins: Petition of Alex T. Luther and 50 other citizens of Van Buren county, on the same subject.
Same reference.

Petition No. 60. By Mr. Wiggins: Petition of E. C. Hambleton and 47 other citizens of Allegan county, on the same subject.
Same reference.

Petition No. 61. By Mr. Walter: Petition of Wm. J. Coates and 22 other citizens of Grand Traverse county, on the same subject.
Same reference.

Petition No. 62. By Mr. Walter: Petition of J. E. Littell and 46 other citizens of Wexford county, on the same subject.
Same reference.

Petition No. 63. By Mr. Watkins: Petition of I. S. Holben and 49 other citizens of Hillsdale county, on the same subject.
Same reference.

Petition No. 64. By Mr. Watkins: Petition of M. S. Bliss and 27 other citizens of Jackson county, on the same subject.
Same reference.

Petition No. 65. By Mr. Leidlein: Petition of Fletcher Baker and 50 other citizens of Saginaw county, on the same subject.
Same reference.

Petition No. 66. By Mr. Rosenkrans: Petition of George M. Goodell and 104 other citizens of Ingham county on the same subject.
Same reference.

Petition No. 67. By Mr. Rosenkrans: Petition of J. S. Steininger and 130 other citizens of Shiawassee county, on the same subject.
Same reference.

Petition No. 68. By Mr. Vanderwerp: Petition of A. S. Andrews and 77 other citizens of Muskegon county on the same subject.
Same reference.

Petition No. 69. By Mr. Murtha: Petition of Charles M. Carson and 49 other citizens of Wayne county, on the same subject.
Same reference.

Petition No. 70. By Mr. G. G. Scott: Petition of Frank B. Cornell and 49 other citizens of Wayne county, on the same subject.
Same reference.

Petition No. 71. By Mr. Miller: Petition of N. T. Hafer and 41 other citizens of Wayne county, on the same subject.
Same reference.

Petition No. 72. By Mr. Taylor: Petition of J. W. Foy and 81 other citizens of Kalamazoo county, on the same subject.
Same reference.

Petition No. 73. By Mr. F. D. Scott: Petition of Wm. Kennedy and 26 other citizens of Alpena county, on the same subject.
Same reference.

Petition No. 74. By Mr. F. D. Scott: Petition of Charlie Fox and 22 other citizens of Otsego county, on the same subject.
Same reference.

Petition No. 75. By Mr. F. D. Scott: Telegrams from A. E. Morrison, Wm. Noiro, A. Schreur, Carr & Son, H. J. Pelton, V. Wolcsak, M. J. Morford, Gugg-Isberg Bros., W. J. Simmons, A. B. C. Comstock, H. A. Roberts, Dr. A. Simmons, J. M. Brodie, Frank Calkins, Noah Swantek, W. A. McCoy and Wm. Sivier, of Gaylord, Otsego county, protesting against any change in the present liquor dealers' bond law.
The telegrams were referred to the Committee on Insurance.

Petition No. 76. By Mr. F. D. Scott: Telegrams from Joseph Veio, John Elliott, Don Stamour, M. Carmody, C. A. Gallagher, J. M. Don-

nely, Neil Melavey, J. B. Wheaton, R. G. Walker, P. Hubbard and Zornt Bros., of Cheboygan county, on the same subject.

Same reference.

Petition No. 77. By Mr. James: Telegrams from Charles Schenk, F. H. Schumaker, W. L. Stannard, F. J. Kohlhaas, John Vertin, Joseph Vouin, John J. Ellis, Jr., Ed. F. Cuddihy, Oscar Keckonen, F. M. Kinsman, Lukas Stefanac, John Miller, James McClure, W. F. Miller, Joseph Croze, J. J. Zealand, S. E. Byrne, Edgar Rashleigh, W. H. Dee, Joseph Strobel, W. B. McLaughlin and J. H. Rice, of Houghton county, on the same subject.

Same reference.

Petition No. 78. By Mr. Moriarty: Telegram from J. A. Tederstrom and 8 other business men of Gogebic county, on the same subject.

Same reference.

MOTIONS AND RESOLUTIONS.

Mr. Taylor offered the following resolution:

Senate resolution No. 13.

Resolved, That a respectful message be sent to the Governor, requesting him to submit to the Legislature now convened in special session, a message authorizing the Legislature to submit to the electors of the State an amendment to Section 21 of Article 8 of the State Constitution, whereby cities and villages may be authorized to amend their several charters without previously making a general revision of the same pursuant to Acts 278 and 279 of the Public Acts of 1909, and also authorizing the Legislature now convened to consider and enact such amendments to the above named acts as it may deem proper.

The resolution was adopted.

Mr. Fowle moved that the Senate resolve itself into Executive Session.

Mr. Miller moved as an amendment to the motion made by Mr. Fowle, that the rules be suspended and that any report to be made by the Committee on Executive Business be considered in open session.

After debate,

Mr. Cartier moved the previous question,

Which motion was seconded.

The question being "Shall the main question be now put?"

The same was ordered.

The question being on the motion to amend, made by Mr. Miller,

The motion to amend did not prevail.

The question then being on the motion made by Mr. Fowle, that the Senate resolve itself into

EXECUTIVE SESSION,

The motion prevailed, the time being 2:10 o'clock p. m.

The executive session closed, the time being 2:20 o'clock p. m.

The Secretary announced that the following appointments made by the Governor and sent to the Senate on March 21, had been confirmed by the Senate in Executive Session:

Board of Control of College of Mines.

Lucius L. Hubbard, Painesdale, Houghton County, appointed June 9, 1911, to succeed himself, for the term ending June 9, 1917.

Murray M. Duncan, Ishpeming, Marquette County, appointed June 9, 1911, to succeed himself, for the term ending June 9, 1917.

Commissioner of Labor.

Perry F. Powers, Cadillac, Wexford County, appointed July 1, 1911, to succeed R. H. Fletcher, for the term ending June 30, 1913.

Board of Health of City of Detroit.

Samuel T. Douglas, Detroit, appointed March 1, 1912, to succeed himself, for term ending February 28, 1916.

Board of Control of Lapeer Home for Feeble-Minded and Epileptic.

O. L. Millard, Hersey, Osceola County, appointed July 1, 1911, to succeed H. Kitchell, for the term ending January 31, 1915.

A. E. Meigs, Detroit, Wayne County, appointed July 6, 1911, to succeed J. S. Weidman, for the term ending January 31, 1915.

Norman Flowers, Jackson, Jackson County, appointed October 3, 1911, to succeed M. J. Murphy, for the term ending January 31, 1915.

Board of Guardians of Industrial Home for Girls.

Rolla C. Taylor, Adrian, Lenawee County, appointed May 24, 1911, to succeed himself, for the term ending May 31, 1917.

State Board of Health.

Edward Abrams, Houghton, Houghton County, appointed July 19, 1911, to succeed Geo. S. Harrington, for the term ending January 31, 1915.

Board of Trustees of Ionia State Hospital.

C. H. Gibson, Greenville, Montcalm County, appointed December 5, 1911, to succeed James W. Belknap, for the term ending January 31, 1913.

Jury Commissioners for Wayne County.

Duncan E. Graham, Detroit, appointed May 24, 1911, to succeed J. B. Greenberg, for the term ending April 30, 1917.

State Board of Library Commissioners.

David E. Heineman, Detroit, Wayne County, appointed June 8, 1911, to succeed himself, for the term ending June 7, 1915.

W. Millard Palmer, Grand Rapids, Kent County, appointed June 27, 1911, to succeed F. J. Baldwin for the term ending June 7, 1915.

State Live Stock Sanitary Commission.

H. H. Halladay, Clinton, Lenawee County, appointed July 10, 1911, to succeed C. A. Tyler, for the term ending second Monday in July, 1917.

Mackinac Island State Park Commission.

Alfred O. Jopling, Marquette, Marquette County, appointed June 22, 1911, to succeed himself, for term ending June 21, 1921.

State Board of Registration of Nurses.

Susan Fisher Apted, Grand Rapids, Kent County, appointed March 1, 1912, to succeed Elizabeth G. Flaws, for the term ending July 31, 1912.

Board of Trustees of Newberry State Hospital.

Thomas Conlin, Crystal Falls, Iron County, appointed March 1, 1912, to succeed J. C. Kirkpatrick, for the term ending second Monday in February, 1917.

Board of Registration and Examination in Osteopathy.

T. L. Herroder, Detroit, Wayne County, appointed May 12, 1911, to succeed E. F. Ashmore, for the term ending April 30, 1916.

Michigan Board of Pharmacy.

E. E. Faulkner, Delta, Barry County, appointed January 1, 1912, to succeed William A. Dohaney, for the term ending December 31, 1916.

Board of Trustees of Pontiac State Hospital.

C. W. Hitchcock, Detroit, Wayne County, appointed September 11, 1911, to succeed William G. Malcomson, for the term ending second Monday in February, 1913.

Board of Trustees of State Sanatorium.

Henry J. Hartz, Detroit, Wayne County, appointed September 1, 1911, to succeed himself, for the term ending August 31, 1917.

George Barnes, Howell, Livingston County, appointed September 14, 1911, to succeed George W. Teeple, for the term ending August 31, 1917.

State Board of Tax Commissioners.

William B. Mershon, Saginaw, Saginaw County, appointed January 1, 1912, to succeed James H. Thompson, for the term ending the first Wednesday in January, 1913, reappointed for the same term March 18, 1912.

State Veterinarian.

Ward Giltner, Lansing, Ingham County, appointed July 10, 1911, to succeed himself, for term ending second Monday in July, 1913.

Mr. Bradley moved that the Senate take a recess until 2:35 o'clock p. m.

The motion prevailed, the time being 2:20 o'clock p. m.

AFTER RECESS.

2:35 o'clock p. m.

The Senate was called to order by the President.

A quorum of the Senate was present.

The Senate took up the order of

REPORTS OF STANDING COMMITTEES.

By the Committee on Liquor Traffic:

The Committee on Liquor Traffic reports

Senate bill No. 1 (file No. 1), entitled

A bill to amend section 2 of Act No. 313 of the Public Acts of 1887, entitled "An act to provide for the taxation and regulation of the business of manufacturing, selling, keeping for sale, furnishing, giving or delivering spirituous and intoxicating liquors, and malt, brewed or fermented liquors and vinous liquors in this State, and to repeal all acts or parts of acts inconsistent with the provisions of this act," as amended by Act No. 291 of the Public Acts of 1909, and by Act No. 170 of the Public Acts of 1911, said amended section being compiler's section 5380 of the Compiled Laws of 1897;

With the following amendment thereto:

By inserting at the end of Sec. 2 the following: "and provided further, That nothing in this act contained shall prohibit retailers or owners of property used for saloon purposes from owning stock in breweries or corporations authorized to manufacture or sell liquors at wholesale."

Recommend that the amendment be concurred in, and that when so amended the bill pass.

WILLIAM H. BRADLEY,

Chairman.

The report was accepted and adopted and the committee discharged.

Mr. Bradley moved that the Senate concur in the amendment made to the bill by the committee.

The motion prevailed.

The bill was then referred to the committee of the whole and placed on the general orders.

Mr. Fowle moved that the Senate resolve itself into the committee of the whole on the

GENERAL ORDERS OF THE DAY.

The motion prevailed.

The President called Mr. F. D. Scott to the chair.

After some time spent therein, the committee rose, and through its chairman made the following report:

The committee has had under consideration the following:

Senate bill No. 1 (file No. 1), entitled

A bill to amend section 2 of Act No. 313 of the Public Acts of 1887,

entitled "An act to provide for the taxation and regulation of the business of manufacturing, selling, keeping for sale, furnishing, giving or delivering spirituous and intoxicating liquors, and malt, brewed or fermented liquors and vinous liquors in this State, and to repeal all acts or parts of acts inconsistent with the provisions of this act," as amended by Act No. 291 of the Public Acts of 1909, and by Act No. 170 of the Public Acts of 1911, said amended section being compiler's section 5380 of the Compiled Laws of 1897;

Has amended the same as follows:

By striking out of line 6 of section 2 the word "and" and inserting in lieu thereof the word "as."

And has directed its chairman to report the same back to the Senate, asking that the amendment be concurred in, and recommend that, as amended, the bill pass.

FRANK D. SCOTT,
Chairman.

The report was accepted.

The Senate concurred in the amendment made to the bill named in the report and the bill was placed on the order of third reading of bills.

Mr. Taylor moved that the Senate return to the order of Third Reading of Bills,

Pending which motion,

Mr. Collins moved that the Senate adjourn.

The motion made by Mr. Collins did not prevail.

The question being on the motion made by Mr. Taylor,

The motion prevailed.

THIRD READING OF BILLS.

Senate bill No. 1 (file No. 1), entitled

A bill to amend section 2 of Act No. 313 of the Public Acts of 1887, entitled "An act to provide for the taxation and regulation of the business of manufacturing, selling, keeping for sale, furnishing, giving or delivering spirituous and intoxicating liquors, and malt, brewed or fermented liquors and vinous liquors in this State, and to repeal all acts or parts of acts inconsistent with the provisions of this act," as amended by Act No. 291 of the Public Acts of 1909, and by Act No. 170 of the Public Acts of 1911, said amended section being compiler's section 5380 of the Compiled Laws of 1897;

Was read a third time and passed, a majority of the Senators-elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Barnaby	Mr. Kingman	Mr. Rosenkrans	Mr. Walter
Bradley	Kline	Scott, F. D.	Ward
Conley	Lee	Snell	Watkins
Foster	Mapes	Taylor	Weter
Fowle	Moriarty	Vanderwerp	White
Freeman	Newton	Vaughan	Wiggins
James	Putney		

NAYS.

Mr. Collins

Mr. Leidlein

Mr. Murtha

Mr. Scott, G. G.

4

The title of the bill was agreed to.

Mr. Vaughan asked and obtained leave of absence for himself from tomorrow's session.

Messrs. Foster and Putney asked and obtained leaves of absence for themselves from the sessions of the Senate for the remainder of this week.

Mr. Bradley moved that the Senate adjourn.

The motion prevailed.

The President declared the Senate adjourned until tomorrow at 2 o'clock p. m.

ELBERT V. CHILSON,
Secretary of the Senate.

SIXTH DAY.

Lansing, Thursday; March 28, 1912.

2 o'clock p. m.

The Senate met pursuant to adjournment and was called to order by the President.

The roll of the Senate was called by the Secretary.

The following Senators were present:

Messrs. Barnaby, Bradley, Cartier, Collins, Conley, Fowle, James, Kingman, Kline, Lee, Leidlein, Mapes, Miller, Moriarty, Murtha, Newton, Rosenkrans, F. D. Scott, G. G. Scott, Snell, Taylor, Vanderwerp, Vaughan, Walter, Ward, Watkins, Weter, White and Wiggins—29.

The following Senators were absent with leave: Messrs. Foster and Putney—2.

The following Senator was absent without leave: Mr. Freeman—1.

Mr. Snell moved that the absentee without leave be excused from today's session.

The motion prevailed.

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was received and read:

State of Michigan, Executive Office,

Lansing, March 27, 1912.

To the Forty-Sixth Legislature of the State of Michigan:

Gentlemen:—The Legislature is authorized to consider a bill or bills for the purpose of submitting to the electors of the State an amendment to section 21 of article 8 of the State Constitution, whereby cities and villages may be authorized to amend their several charters without previously making a general revision of the same pursuant to Acts 278 and 279 of the Public Acts of 1909, and also to consider and enact such amendments to the above named acts as it may deem proper.

This message is in response to Senate resolution No. 13 and House resolution No. 16, requesting the same.

Respectfully submitted,

CHASE S. OSBORN.

Governor.

The message was ordered spread upon the Journal.

The following message from the Governor was also received and read:

State of Michigan, Executive Office,

Lansing, March 27, 1912.

To the President of the Senate:

Sir:—I hereby submit the following nomination for the consideration of the Senate:

Robert E. McGavock, of Saginaw, Saginaw county, as member of the Board of Registration and Examination in Osteopathy, to succeed Glen Hicks, resigned, for the term ending April 30, 1912.

Respectfully submitted,

CHASE S. OSBORN,
Governor.

The message was referred to the Committee on Executive Business.

PRESENTATION OF PETITIONS.

Petition No. 79. By Mr. Kline: Resolutions of North Rome Grange No. 735 urging the giving immediate effect to a presidential preference primary bill.

The resolutions were referred to the Committee on Elections.

Petition No. 80. By Mr. Kline: Petition of F. D. Hague and 15 other citizens of Lenawee county in favor of the passage of the Taylor-Ball bill and the Watkins-Field bill.

The petition was referred to the Committee on Insurance.

Petition No. 81. By Mr. Foster: Petition of John March and 78 other residents of Twining, Arenac county, in favor of giving immediate effect to a presidential preference primary bill.

The petition was referred to the Committee on Elections.

Petition No. 82. By Mr. Foster: Petition of James Ivey, pastor, and members of the M. E. Church of Grayling, Crawford county, in favor of the passage of the Watkins-Field bill and the Taylor-Ball bill.

The petition was referred to the Committee on Insurance.

Petition No. 83. By Mr. Foster: Petition of members of the Presbyterian Church of Grayling, Crawford county, on the same subject.

Same reference.

Petition No. 84. By Mr. Foster: Petition of A. W. Smith and 44 other citizens of Standish, Arenac county, on the same subject.

Same reference.

Petition No. 85. By Mr. Foster: Petition of A. R. Fischer and 36 other citizens of Osceola county, on the same subject.

Same reference.

Petition No. 86. By Mr. Foster: Petition of Wellington Wagar and 48 other citizens of Gladwin county, on the same subject.
Same reference.

Petition No. 87. By Mr. Foster: Petition of E. Mull and 19 other citizens of Clare and Isabella counties, on the same subject.
Same reference.

Petition No. 88. By Mr. Foster: Petition of J. B. Browne and 7 other citizens of Iosco county, on the same subject.
Same reference.

Petition No. 89. By Mr. Ward: Petition of Rev. Geo. L. Traver and 36 other citizens of Gratiot county, on the same subject.
Same reference.

Petition No. 90. By Mr. Kingman: Petition of Geo. W. Collins and 20 other citizens of Branch county, on the same subject.
Same reference.

Petition No. 91. By Mr. Kingman: Petition of R. E. Meader and 23 other citizens of Branch county, on the same subject.
Same reference.

Petition No. 92. By Mr. White: Petition of Irvin Miller and 17 other citizens of Niles, Berrien county, on the same subject.
Same reference.

Petition No. 93. By Mr. Taylor: Petition of Jay C. Upton and 21 other citizens of St. Joseph county, on the same subject.
Same reference.

Petition No. 94. By Mr. Taylor: Petition of I. F. Melse and 41 other citizens of Sturgis, St. Joseph county, on the same subject.
Same reference.

Petition No. 95. By Mr. Collins: Petition of George Elliott and 38 other citizens of Bay county, on the same subject.
Same reference.

Petition No. 96. By Mr. Conley: Petition of Louis Hascall and 32 other citizens of Tuscola county on the same subject.
Same reference.

Petition No. 97. By Mr. Freeman: Petition of R. J. Holderman and 21 other citizens of Genesee county, on the same subject.
Same reference.

Petition No. 98. By Mr. F. D. Scott: Petition of T. Porter Bennett and 68 other citizens of Charlevoix county, on the same subject.
Same reference.

Petition No. 99. By Mr. Cartier: Telegrams from Adolph Lotz, Wm. Beverly, August Field, Frank A. Foster, John H. Cota, Jos. F. Kondelka, J. P. Davies, A. C. Stewart, Charles Hansen, H. G. Reek, Wm. Rath, C. C. Wing, and James M. Magner, of Manistee and Ludington, opposing any change in the present liquor dealers' bond law.

Same reference.

Petition No. 100. By Mr. James: Telegrams from W. F. Miller, Joseph Croze, J. J. Zealand, S. E. Byrne, Edgar Rashleigh, W. H. Dee, Joseph Strobel, W. B. McLaughlin, J. H. Rice, James Collie, W. P. Burke, A. G. Mogk, Henry Nathenson, Charles McIntyre, Garry Durant, Allen McIntyre, A. J. Mackenall, W. Cobbe, A. A. Guck and others, of Houghton county, on the same subject.

Same reference.

MOTIONS AND RESOLUTIONS.

Mr. Cartier offered the following resolution:

Senate resolution No. 14.

Resolved by the Senate (the House of Representatives concurring), That from and after 12 o'clock noon on Wednesday, April 3, 1912, the two houses of the Legislature will transact no other business than for the President of the Senate and the Speaker of the House of Representatives to sign enrolled bills for presentation to the Governor, and the entry of the same on the Journal by the Secretary of the Senate and the Clerk of the House of Representatives and the date of final adjournment of the Legislature shall be Thursday, April 4, at 12 o'clock noon.

The question being on the adoption of the resolution,

Mr. Walter moved that the resolution be laid on the table.

Upon which motion Mr. Mapes demanded the yeas and nays.

The motion made by Mr. Walter then did not prevail, a majority of the Senators present not voting therefor, by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Mapes	Mr. Walter	
Bradley	Kline	Newton	Watkins	
Conley	Lee	Taylor	Weter	12

NAYS.

Mr. Cartier	Mr. Miller	Mr. Scott, G. G.	Mr. Vaughan	
Collins	Moriarty	Scott, F. D.	Ward	
Fowle	Murtha	Snell	White	
Kingman	Rosenkrans	Vanderwerp	Wiggins	17
Leidlein				

The question being on the adoption of the resolution,

Mr. Lee demanded the yeas and nays.

The resolution was then adopted, a majority of the Senators present voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Cartier	Mr. Miller	Mr. Scott, F. D.	Mr. Vaughan
Collins	Moriarty	Scott, G. G.	Ward
Kingman	Murtha	Snell	White
Leidlein	Rosenkrans	Vanderwerp	Wiggins

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NAYS.

Mr. Barnaby	Mr. James	Mr. Mapes	Mr. Walter
Bradley	Kline	Newton	Watkins
Conley	Lee	Taylor	Weter
Fowle			

13

Mr. Kline moved that when the Senate adjourns today, it stand adjourned until tomorrow at 9 o'clock a. m.

The motion prevailed.

Mr. Barnaby moved to discharge the Committee on Constitutional Amendments from the further consideration of

Senate concurrent resolution No. 4 (file No. 4), entitled

Concurrent resolution proposing an amendment to section 2 of article 17 of the Constitution of Michigan, relative to the initiative.

Upon which motion he demanded the yeas and nays.

The motion prevailed, a majority of the Senators-elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Barnaby	Mr. Kline	Mr. Snell	Mr. Ward
Bradley	Lee	Vanderwerp	Watkins
Conley	Leidlein	Vaughan	Weter
Fowle	Mapes	Walter	Wiggins
James	Newton		

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NAYS.

Mr. Cartier	Mr. Miller	Mr. Rosenkrans	Mr. Taylor
Collins	Moriarty	Scott, F. D.	White
Kingman	Murtha	Scott, G. G.	

11

Mr. Barnaby moved that the concurrent resolution be placed on the General Orders.

The motion prevailed.

Mr. Barnaby moved to discharge the Committee on Constitutional Amendments from the further consideration of

Senate concurrent resolution No. 5 (file No. 5), entitled

Concurrent resolution proposing an amendment to sections 1 and 19 of article 5 of the Constitution of Michigan, relative to the initiative and referendum.

Upon which motion he demanded the yeas and nays.

The motion prevailed, a majority of the Senators-elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Barnaby	Mr. Kline	Mr. Newton	Mr. Ward	
Bradley	Lee	Snell	Watkins	
Conley	Leidlein	Vanderwerp	Weter	
Fowle	Mapes	Vaughan	Wiggins	
James	Miller	Walter		19

NAYS.

Mr. Cartier	Mr. Moriarty	Mr. Scott, F. D.	Mr. Taylor	
Collins	Murtha	Scott, G. G.	White	
Kingman	Rosenkrans			10

Mr. Barnaby moved that the concurrent resolution be placed on the General Orders.

The motion prevailed.

Mr. Barnaby moved to discharge the Committee on Constitutional Amendments from the further consideration of Senate concurrent resolution No. 6 (file No. 6), entitled

Concurrent resolution proposing an amendment to article 9 of the Constitution of Michigan by adding a new section thereto which shall be known as section 9, relative to the recall.

Upon which motion, Mr. Cartier demanded the yeas and nays.

The motion did not prevail, a majority of the Senators-elect not voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Mapes	Mr. Watkins	
Conley	Kline	Newton	Weter	
Fowle	Leidlein	Vanderwerp	Wiggins	12

NAYS.

Mr. Bradley	Mr. Miller	Mr. Scott, F. D.	Mr. Vaughan	
Cartier	Moriarty	Scott, G. G.	Walter	
Collins	Murtha	Snell	Ward	
Kingman	Rosenkrans	Taylor	White	17
Lee				

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
March 28, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit the following bill:

House bill No. 1 (file No. 1), entitled

A bill to amend sections 16, 18, 19, 20, 21, 25, 28, 31, 37, 38, 39, 42 and 43 of Act No. 281 of the Public Acts of 1909, as amended by Act No. 279 of the Public Acts of 1911, entitled "An act relative to the nomination of party candidates for public office and delegates to politi-

cal conventions, to regulate primary elections and to prescribe penalties for violations of its provisions, and to provide for the printing upon election ballots of the names of candidates nominated under the terms of this act, and to repeal Act No. 4 of the Public Acts of the extra session of 1907, and all local primary election acts contravening the provisions of this act except as in this act otherwise provided," and to add one new section thereto to stand as section 51a.

And to inform the Senate that the bill has passed the House.

In this action of the House the concurrence of the Senate is respectfully asked.

Very respectfully,
CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was read a first and second time by its title and, pending its reference to a committee,

Mr. White moved that the rules be suspended and that the bill be placed on the General Orders.

The motion prevailed, two-thirds of the Senators present voting therefor.

The following message from the House was also received and read:

House of Representatives,
March 28, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit the following bill:

House bill No. 11 (file No. 11), entitled

A bill to regulate and limit nomination and election expenses; to define and prevent corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot, and to require accounts of nomination and election expenses to be filed, and providing penalties for the violation of this act;

And to inform the Senate that the bill has passed the House.

In this action of the House the concurrence of the Senate is respectfully asked.

Very respectfully,
CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was read a first and second time by its title, and pending its reference to a committee,

Mr. White moved that the rules be suspended and that the bill be placed on the General Orders.

The motion prevailed, two-thirds of the Senators present voting therefor.

The following message from the House was also received and read :

House of Representatives,
March 28, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit the following bill:

House bill No. 14 (file No. 13), entitled

A bill to amend section 1 of Act No. 232 of the Public Acts of 1911, entitled "An act making it unlawful for any person in this State, who is not regularly admitted to the practice of the bar, to represent himself as being an attorney at law or a solicitor in chancery, and to provide a penalty therefor;"

And to inform the Senate that the bill has passed the House.

In this action of the House the concurrence of the Senate is respectfully asked.

Very Respectfully,
CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was read a first and second time by its title, and pending its reference to a committee,

Mr. White moved that the rules be suspended and that the bill be placed on the General Orders.

The motion prevailed, two-thirds of the Senators present voting therefor.

By unanimous consent the Senate returned to the order of

MOTIONS AND RESOLUTIONS.

Mr. Walter offered the following resolution:

Senate resolution No. 15.

Resolved, That a respectful message be sent to the Governor, requesting him to submit to the Legislature now convened in special session, a message authorizing the consideration and enactment of a law amending Act No. 213 of the Public Acts of 1909, relative to the mode of determining the mode of measurement of the size of mesh of nets mentioned therein.

The resolution was adopted.

INTRODUCTION OF BILLS.

Mr. Taylor introduced

Senate bill No. 9, entitled

A bill to provide for the erection of armories, and making an appropriation therefor.

The bill was read a first and second time by its title, and

Pending the reference of the bill to a committee,

Mr. Cartier moved that the rules be suspended and that the bill be referred to the Committee of the Whole and placed on the General Orders.

The motion prevailed, two-thirds of the Senators present voting therefor.

Mr. Miller moved that the bill be printed in the Journal.

The motion prevailed.

The following is the bill:

A bill to provide for the erection of armories, and making an appropriation therefor.

The People of the State of Michigan enact:

Section 1. To provide a fund to care for the erection of armories there shall be appropriated in each year the sum of thirty thousand dollars, to be paid from the general fund to be continued until all of the present organizations of the organized militia of Michigan are provided for, which fund shall be known as the "armory building fund," and shall only be used to provide for the erection and equipment of armories under the present laws of Michigan.

Sec. 2. For the purpose of providing the sums appropriated to carry out the provisions of this act it shall be the duty of the Auditor General at the time of apportioning the State taxes to apportion among the several counties of the State in proportion to the whole amount of real and personal property therein as equalized by the State board of equalization, the sum of thirty thousand dollars, which sum when so collected shall be paid into the general fund to reimburse it for the money appropriated under the provisions of this act.

Sec. 3. In erecting and equipping armories the State military board shall erect and equip armories at the different locations that have filed deeds with the State in the order in which deeds have been filed with the State under Act No. 84 of the Public Acts of 1909, and the funds carried in the armory building fund shall be subject to and governed by Act No. 200 of the Public Acts of 1909.

Mr. Taylor also introduced

Senate concurrent resolution No. 10, entitled

A concurrent resolution proposing an amendment to section 21 of article 8 of the Constitution of Michigan, relative to amending the charters of cities and villages.

The concurrent resolution was read a first and second time by its title, and

Pending the reference of the concurrent resolution to a committee.

Mr. G. G. Scott moved that the rules be suspended and that the concurrent resolution be referred to the Committee of the Whole and placed on the General Orders.

The motion prevailed, two-thirds of the Senators present voting therefor.

Mr. Miller moved that the concurrent resolution be printed in the Journal.

The motion prevailed.

The following is the concurrent resolution:

Concurrent resolution proposing an amendment to section 21 of article 8 of the Constitution of Michigan, relative to amending the charters of cities and villages.

Resolved by the Senate of the State of Michigan (the House of Repre-

sentatives concurring), That the following amendment to the Constitution of Michigan, relative to amending the charters of cities and villages, is hereby proposed and submitted to the people of the State, that is to say, that section 21 of article 8 of said Constitution be amended to read as follows:

Sec. 21. Under such general laws, the electors of each city and village shall have power and authority to frame, adopt and amend its charter, (or to amend its charter granted by the Legislature), and, through its regularly constituted authority, to pass all laws and ordinances relating to its municipal concerns, subject to the Constitution and general laws of this State.

Resolved further, That the foregoing amendment be submitted to the people of this State at the general election in the year 1912. The Secretary of State is hereby required to certify the foregoing amendment to the clerks of the several counties of the state as required by law. It shall be the duty of the board of election commissioners of each county to prepare a ballot for the use of the electors in voting upon such amendment, which ballot shall be substantially in the following form:

"Vote on amendment to section 21 of article 8 of the Constitution, relative to amending the charters of cities and villages.

Amendment to section 21 of article 8 of the Constitution, relative to amending the charters of cities and villages, Yes ().

Amendment to section 21 of article 8 of the constitution, relative to amending the charters of cities and villages, No ()."

It shall be the duty of the board of election commissioners of each county to deliver the ballots so prepared to the inspectors of the election at the several voting precincts within their respective counties within the time ballots to be used at said election are required to be delivered to such inspectors under the general election law. All votes cast upon said amendment shall be counted, canvassed and returned in the same manner as is required by law for counting, canvassing and returning the vote for State officers.

Mr. White moved that the Senate resolve itself into the committee of the whole on the

GENERAL ORDERS OF THE DAY.

The motion prevailed.

The President called Mr. White to the chair.

After some time spent therein, the committee rose, and through its chairman made the following report:

The committee has had under consideration the following:

House bill No. 1 (file No. 1), entitled

A bill to amend sections 16, 18, 19, 20, 21, 25, 28, 31, 37, 38, 39, 42 and 43 of Act No. 281 of the Public Acts of 1909, as amended by Act No. 279 of the Public Acts of 1911, entitled "An act relative to the nomination of party candidates for public office and delegates to political conventions, to regulate primary elections and to prescribe penalties for violations of its provisions, and to provide for the printing upon election ballots of the names of candidates nominated under the terms of this act, and to repeal Act No. 4 of the Public Acts of the

extra session of 1907, and all local primary election acts contravening the provisions of this act, except as in this act otherwise provided," and to add one new section thereto to stand as section 51a;

Has made no amendments thereto, and has directed its chairman to report the same back to the Senate, and recommend that all after the enacting clause of the bill be stricken out.

The committee of the whole has also had under consideration the following:

Senate concurrent resolution No. 4 (file No. 4), entitled

A concurrent resolution proposing an amendment to section 2 of article 17 of the Constitution of Michigan, relative to the initiative;

Has amended the same as follows:

1. By striking out of line 2 of section 2 the word "qualified" and inserting in lieu thereof the word "registered."

2. By striking out of line 20 of section 2 the word "qualified" and inserting in lieu thereof the word "registered."

3. By inserting in line 22 of section 2 after the word "same" the words "and shall be signed in the offices of the several officials having by law custody of the lists of registered voters."

4. By striking out of section 2 all after the word "be" in line 25 down to the word "such" in line 28.

5. By inserting in line 29 of section 2 after the word "true" the words "The signatures upon such petitions shall be compared by the officials having custody of such lists with the lists of registered voters in the several voting districts in the State and names not appearing upon such lists shall be stricken off. Any person swearing to a false affidavit in verification of any such petition shall be deemed guilty of perjury."

6. By striking out of lines 29 and 30 of section 2 the words "and that the persons signing the same are qualified electors."

7. By inserting in line 38 of section 2 after the word "general" the word "Spring."

8. By striking out of line 38 of section 2 the figures "1912" and inserting in lieu thereof the figures "1913."

And has directed its chairman to report the same back to the Senate, asking that the amendments be concurred in, and recommend that all after the title of the concurrent resolution be stricken out.

The committee of the whole has also had under consideration the following:

Senate concurrent resolution No. 5 (file No. 5), entitled

A concurrent resolution proposing an amendment to sections 1 and 19 of article 5 of the Constitution of Michigan, relative to the initiative and referendum;

Has amended the same as follows: .

1. By striking out of line 9 of section 1 the word "qualified" and inserting in lieu thereof the word "registered."

2. By striking out of line 20 of section 1 the word "qualified" and inserting in lieu thereof the word "registered."

3. By striking out of line 22 of section 1, the word "qualified" and inserting in lieu thereof the word "registered."

4. By inserting in line 11 of section 1, after the word "propose" the

words "and in case of measures amending existing law, such petition shall contain the sections of such laws proposed to be amended, and shall indicate the changes proposed."

5. By inserting after the word "same" in line 64 of section 1 the following: "and shall be signed in the offices of the several officials having by law custody of the lists of registered voters."

6. By striking out all of line 67 of section 1 after the word "be" and all of lines 68 and 69 to and including the word "Michigan."

7. By inserting after the word "true" at the end of line 70 of section 1 the following: "the signatures upon such petitions shall be compared by the officials having charge of such lists with the lists of registered voters in the several voting districts in the state, and names not appearing on such lists shall be stricken off. Any persons swearing to a false affidavit in verification of any such petition shall be deemed guilty of perjury."

8. By striking out of line 71 of section 1 the words "and that the persons signing the same are qualified electors."

9. By inserting in line 4 of section 19 after the word "general" the word "Spring."

10. By striking out of line 4 of section 19 the figures "1912" and inserting in lieu thereof the figures "1913."

And has directed its chairman to report the same back to the Senate, asking that the amendments be concurred in, and recommend that, as amended, the concurrent resolution be adopted.

CHARLES E. WHITE,
Chairman.

The report was accepted.

The President pro tem took the chair.

The question being on concurring in the recommendation of the committee regarding the first named bill in the report, that all after the enacting clause be stricken out,

Mr. Mapes demanded the yeas and nays.

The Senate then concurred in the recommendation of the committee, a majority of the Senators present voting therefor by yeas and nays as follows:

YEAS.

Mr. Bradley	Mr. Lee	Mr. Rosenkrans	Mr. Ward
Cartier	Miller	Scott, G. G.	White
Collins	Moriarty	Snell	President pro tem
Kingman	Murtha	Taylor	15

NAYS.

Mr. Barnaby	Mr. Leidlein	Mr. Vanderwerp	Mr. Watkins
Conley	Mapes	Vaughan	Weter
Fowle	Newton	Walter	Wiggins
James			

The question being on concurring in the amendments to the second named item in the report,

The Senate concurred in the amendments made to Senate concurrent resolution No. 4 (file No. 4).

The question being on concurring in the recommendation of the committee, that all after the title of the concurrent resolution be stricken out,

Mr. Barnaby demanded the yeas and nays.

The Senate then did not concur in the recommendation of the committee, a majority of the Senators present not voting therefor by yeas and nays as follows:

YEAS.

Mr. Collins	Mr. Moriarty	Mr. Scott, F. D.	Mr. Taylor
Fowle	Murtha	Scott, G. G.	Ward
Kingman	Rosenkrans	Snell	White
Miller			

13

NAYS.

Mr. Barnaby	Mr. Lee	Mr. Vanderwerp	Mr. Weter
Bradley	Leidlein	Vaughan	Wiggins
Conley	Mapes	Walter	President pro tem
James	Newton	Watkins	

15

The concurrent resolution was placed on the order of third reading of bills.

The question being on concurring in the recommendation of the committee relative to the third item in the report,

The Senate concurred in the amendments and in the recommendation of the committee regarding Senate concurrent resolution No. 5 (file No. 5), named in the report and the concurrent resolution was placed on the order of third reading of bills.

Mr. Watkins, by unanimous consent, moved to reconsider the vote by which the Senate today adopted

Senate resolution No. 14, relative to final adjournment,

On which motion he demanded the yeas and nays.

Pending the taking of the vote on the motion made by Mr. Watkins,

Mr. Cartier moved that the Senate adjourn.

The motion made by Mr. Cartier did not prevail.

The question being on the motion made by Mr. Watkins,

The motion prevailed, a majority of the Senators present voting therefor by yeas and nays, as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Taylor	Mr. Watkins
Bradley	Lee	Vanderwerp	Weter
Conley	Mapes	Walter	President pro tem
Fowle	Newton	Ward	

15

NAYS.

Mr. Cartier	Mr. Miller	Mr. Scott, F. D.	Mr. Vaughan
Collins	Moriarty	Scott, G. G.	White
Kingman	Murtha	Snell	Wiggins
Leidlein	Rosenkrans		

14

The question being on the adoption of the resolution,
Mr. Watkins moved that the resolution be laid on the table.
The motion prevailed.

Mr. White moved that the Senate return to the order of Third Reading of Bills.

The motion prevailed.

Mr. Newton moved that the Senate adjourn.
The motion did not prevail.

THIRD READING OF BILLS.

Senate concurrent resolution No. 5 (file No. 5), entitled

A concurrent resolution proposing an amendment to sections 1 and 19 of article 5 of the Constitution of Michigan, relative to the initiative and referendum;

Was read a third time and was not adopted, two-thirds of the Senators-elect not voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. Lee	Mr. Newton	Mr. Walter
Bradley	Leidlein	Scott, F. D.	Watkins
Conley	Mapes	Vanderwerp	Weter
James	Miller	Vaughan	Wiggins

16

NAYS.

Mr. Collins	Mr. Moriarty	Mr. Scott, G. G.	Mr. Ward
Fowle	Murtha	Snell	White
Kingman	Rosenkrans	Taylor	President pro tem

12

Mr. Mapes moved to reconsider the vote by which the Senate failed to adopt the concurrent resolution.

Mr. Kingman moved that the motion made by Mr. Mapes be laid on the table,

Upon which motion he demanded the yeas and nays.

The motion made by Mr. Kingman then prevailed, a majority of the Senators present voting therefor, by yeas and nays as follows:

YEAS.

Mr. Cartier	Mr. Miller	Mr. Scott, F. D.	Mr. Ward
Collins	Moriarty	Scott, G. G.	White
Fowle	Murtha	Snell	President pro tem
Kingman	Rosenkrans	Taylor	

15

NAYS.

Mr. Barnaby	Mr. Lee	Mr. Vanderwerp	Mr. Watkins
Bradley	Leidlein	Vaughan	Weter
Conley	Mapes	Walter	Wiggins
James	Newton		

14

Mr. Mapes moved that the Senate adjourn,
Upon which motion he demanded the yeas and nays.

The motion did not prevail, a majority of the Senators present not voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby Bradley	Mr. Conley Lee	Mr. Mapes Newton	Mr. Watkins Weter
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8

NAYS.

Mr. Cartier Collins Fowle James Kingman	Mr. Leidlein Miller Moriarty Murtha Rosenkrans	Mr. Scott, G. G. Snell Taylor Vanderwerp Vaughan	Mr. Walter Ward White Wiggins President pro tem
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20

Senate concurrent resolution No. 4 (file No. 4), entitled

A concurrent resolution proposing an amendment to section 2 of article 17 of the Constitution of Michigan, relative to the initiative;

Was read a third time and was not adopted, two-thirds of the Senators-elect not voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby Bradley Cartier Conley James	Mr. Lee Leidlein Mapes Newton	Mr. Scott, F. D. Vanderwerp Vaughan Walter	Mr. Watkins Weter Wiggins President pro tem
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17

NAYS.

Mr. Collins Fowle Kingman	Mr. Miller Moriarty Murtha	Mr. Rosenkrans Scott, G. G. Snell	Mr. Taylor Ward White
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12

By unanimous consent the Senate returned to the order of

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was received and read:

State of Michigan, Executive Office,
Lansing, March 28, 1912.

To the Forty-Sixth Legislature of the State of Michigan:

Gentlemen:—The Legislature is authorized to consider and enact a law amending Act No. 213 of the Public Acts of 1909, relative to the

mode of determining the mode of measurement of the size of mesh of nets mentioned therein.

This message is in response to Senate resolution No. 15 and House resolution No. 18, requesting the same.

Respectfully submitted,
CHASE S. OSBORN,
Governor.

The message was ordered spread upon the Journal.

By unanimous consent the Senate took up the order of

INTRODUCTION OF BILLS.

Mr. Walter introduced
Senate bill No. 11, entitled

A bill to amend section 3 of Act No. 213 of the Public Acts of 1909, entitled "An act to regulate the taking of fish in the waters of Lakes Superior, Michigan, Huron, and Erie, the bays thereof, and the connecting waters between said lakes within the jurisdiction of this state, and to regulate the transportation, sale and possession of fish taken from said waters," approved June 2, 1909; relative to the mode of determining the size of the mesh of the nets used therein.

The bill was read a first and second time by its title, and pending its reference to a committee,

Mr. Walter moved that the rules be suspended and that the bill be placed on its immediate passage.

The motion prevailed, two-thirds of the Senators present voting therefor.

The bill was then read a third time and passed, a majority of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. Lee	Mr. Rosenkrans	Mr. Walter
Bradley	Leidlein	Scott, F. D.	Ward
Cartier	Mapes	Scott, G. G.	Watkins
Collins	Miller	Snell	Weter
Conley	Moriarty	Taylor	White
Fowle	Murtha	Vanderwerp	Wiggins
James	Newton	Vaughan	President pro tem
Kingman			29

NAYS.

0

The title of the bill was agreed to.

By unanimous consent the Senate returned to the order of

MOTIONS AND RESOLUTIONS.

Mr. F. D. Scott offered the following resolution :

Senate resolution No. 16.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Friday, March 29, it stand adjourned until Tuesday, April 2, at 9 o'clock p. m.

The resolution was adopted.

Mr. Watkins offered the following resolution :

Senate resolution No. 17.

Resolved, That the Governor be requested to send to this special session a message authorizing legislation to amend sections 1 and 4 and to repeal section 3 of Act No. 59 of the Public Acts of 1909, entitled "An act to prohibit the taking, catching or killing of certain species of bass during certain months of the year; to provide a penalty therefor, and repeal all acts or parts of acts inconsistent herewith;" such legislation being necessary to correct a condition that exists in all the inland lakes of this State.

The resolution was adopted.

Mr. Fowle moved that the Senate resolve itself into

EXECUTIVE SESSION.

The motion prevailed, the time being 5:40 o'clock p. m.

The executive session closed, the time being 5:45 o'clock p. m.

The Secretary announced that the following appointment and nomination to office, made by the Governor and sent to the Senate, had been confirmed by the Senate in Executive Session :

Advisory Board in the Matter of Pardons.

D. N. Travis, Flint, Genesee county, appointed December 27, 1911, to succeed F. J. Russell, for the term ending December 31, 1917.

Board of Registration and Examination in Osteopathy.

Robert E. McGavock, of Saginaw, Saginaw county, to succeed Glen Hicks, resigned, for the term ending April 30, 1912.

Messrs. Bradley, Kingman, Murtha, G. G. Scott and White asked and obtained leaves of absence for themselves from tomorrow's session.

Messrs. Fowle, Miller, Newton and Snell asked and obtained leaves of absence for themselves from the sessions of the Senate up to and including Wednesday, April 3.

Mr. Lee asked and obtained leave of absence for himself from the sessions of the Senate up to and including Tuesday, April 2.

Mr. Cartier moved that the Senate adjourn.

The motion prevailed.

The President declared the Senate adjourned until tomorrow at 9 o'clock a. m.

ELBERT V. CHILSON,
Secretary of the Senate.

SEVENTH DAY.

Lansing, Friday, March 29, 1912.

9 o'clock a. m.

The Senate met pursuant to adjournment and was called to order by the President pro tem.

The roll of the Senate was called by the Secretary.

The following Senators were present:

Messrs. Barnaby, Cartier, Collins, Conley, Fowle, James, Kline, Lee, Leidlein, Mapes, Moriarty, Taylor, Walter, Ward, Weter and Wiggins—16.

The following Senators were absent with leave: Messrs. Bradley, Foster, Kingman, Miller, Murtha, Newton, Putney, G. G. Scott, Snell and White—10.

The following Senators were absent without leave: Messrs. Freeman, Rosenkrans, F. D. Scott, Vanderwerp, Vaughan and Watkins—6.

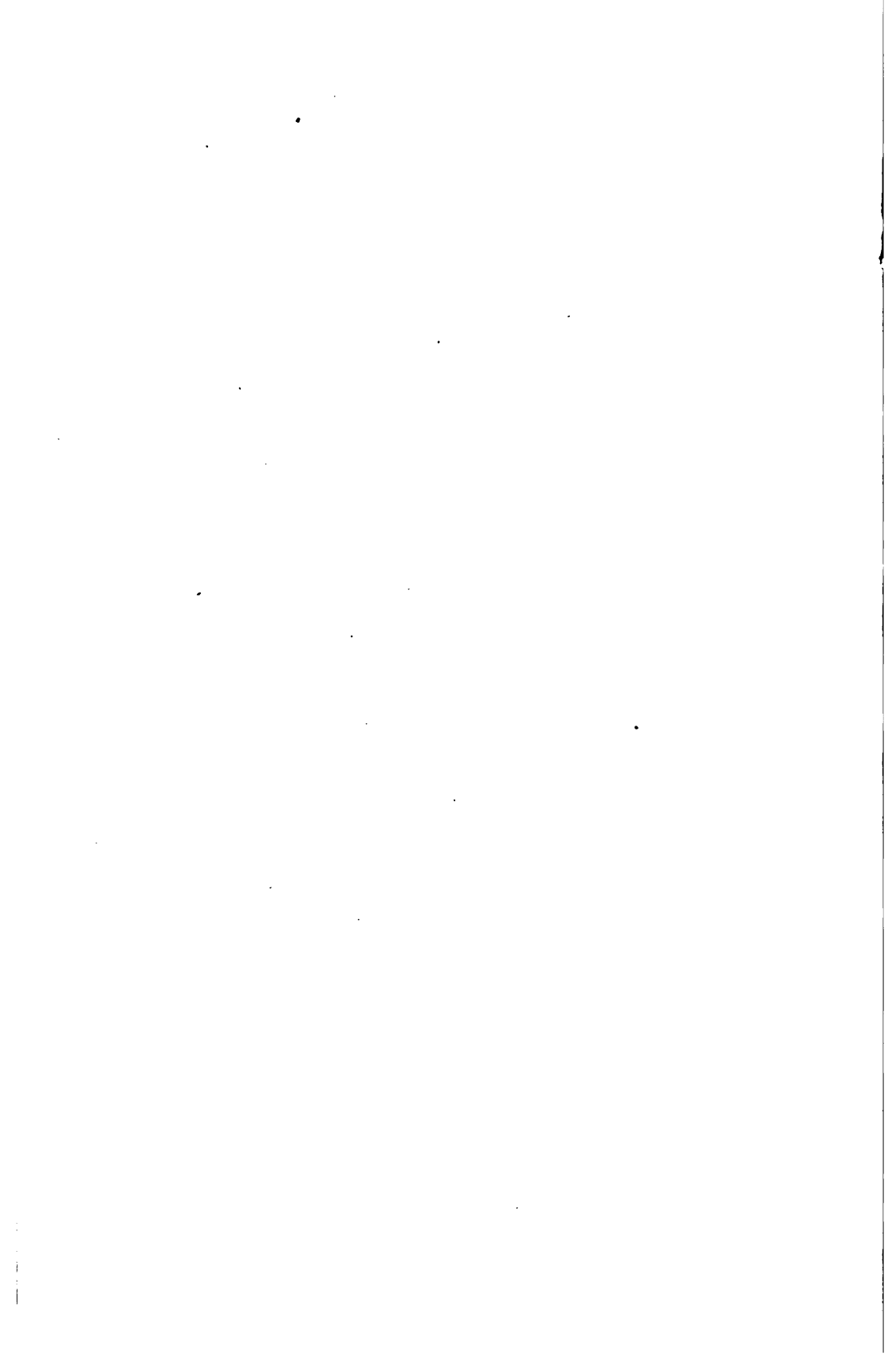
The Secretary announced that there was not a quorum of the Senate present.

Mr. Cartier moved that the Senate adjourn.

The motion prevailed.

The President pro tem declared the Senate adjourned until Tuesday evening, April 2, at 9 o'clock p. m.

ELBERT V. CHILSON,
Secretary of the Senate.



EIGHTH DAY.

Lansing, Tuesday, April 2, 1912.

9 o'clock p. m.

The Senate met pursuant to adjournment and was called to order by the President.

The roll of the Senate was called by the Secretary.

The following Senators were present:

Messrs. Barnaby, Bradley, Cartier, Collins, Conley, Foster, Freeman, James, Kingman, Leidlein, Mapes, Moriarty, Putney, Rosenkrans, F. D. Scott, Vanderwerp, Watkins, Weter, White and Wiggins—20.

The following Senators were absent with leave: Messrs. Fowle, Lee, Miller, Newton and Snell—5.

The following Senators were absent without leave: Messrs. Kline, Murtha, G. G. Scott, Taylor, Vaughan, Walter and Ward—7.

Mr. Leidlein moved that the absentees without leave be excused from today's session.

The motion prevailed.

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was received and read:

State of Michigan, Executive Office,

Lansing, March 28, 1912.

To the Forty-Sixth Legislature of the State of Michigan:

Gentlemen:—The Legislature is authorized to consider a bill or bills to amend sections 1 and 4 and to repeal section 3 of Act No. 59 of the Public Acts of 1909, entitled "An act to prohibit the taking, catching or killing of certain species of bass during certain months of the year; to provide a penalty therefor, and repeal all acts or parts of acts inconsistent herewith."

This message is in response to Senate resolution No. 17, requesting the same and stating that such legislation is necessary to correct a condition that exists in all the inland lakes of this State.

Respectfully submitted,

CHASE S. OSBORN,
Governor.

The following message from the Governor was also received and read:

State of Michigan, Executive Office,

Lansing, March 30, 1912.

To the Forty-Sixth Legislature of the State of Michigan:

Gentlemen:—The following important telegraphic communication has been received from Hon. James C. McLaughlin, member of the United States House of Representatives from the Ninth District of Michigan, and is transmitted for your information and consideration:

“Washington, D. C., March 29, 1912.

Hon. Chase S. Osborn, Governor, Lansing, Michigan:

Permit me to suggest a special message recommending enactment of law providing for an appropriation of from twenty-five to fifty thousand dollars to the Agricultural College for cooperative work with the Department of Agriculture encouraging improved methods of farm management and practical instruction and demonstration. Also the enactment of a law permitting Boards of Supervisors to appropriate money for above work in counties, in co-operation with a representative of department or college.

Partly by my effort the appropriation available for this work was increased about one hundred ten thousand dollars and department has promised to send a few men to Michigan. Department now promises that a substantial portion of increased appropriation shall be devoted to Michigan if state, counties or local boards of trade will add money to provide for co-operation.

This work will be of inestimable value, taking information and assistance to farmers right on the farms. Cost of farm products cannot be reduced until production is largely increased. Production can be doubled on almost every farm in Michigan by proper methods of management and culture with little additional labor or expense. Farmers of Georgia, profiting by department's instructions to boys' corn growing clubs, increased the value of corn yield in that state last year ten million dollars.

Federal and state governments have spent millions of dollars making analyses, experiments and investigations. Departments and colleges are filled with information which must be carried to farmers in practical form and result will be the practical revolution of agriculture.

Department has innumerable requests for experts from localities offering to pay from half to three-quarters of entire expense. The above offer made to Michigan is exceptional and will give Michigan greater advantage than is enjoyed by any other northern state. The proposition ought to be accepted.

JAMES C. McLAUGHLIN.”

If it is the desire of the Legislature to enact legislation comprehending this worthy subject, it is hereby authorized to do so.

Respectfully submitted,

CHASE S. OSBORN,
Governor.

The messages were ordered spread upon the Journal.

PRESENTATION OF PETITIONS.

Petition No. 101. By Mr. Rosenkrans: Petition of F. B. Day and 37 other citizens of Shiawassee county, in favor of the passage of the Watkins-Field bill and the Taylor-Ball bill.

The petition was referred to the Committee on Insurance.

Petition No. 102. By Mr. Rosenkrans: Petition of E. O. Shadbolt and 14 other citizens of Shiawassee county, on the same subject.

Same reference.

Petition No. 103. By Mr. Kline: Petition of A. J. Crane and 23 other citizens of Lenawee county, on the same subject.

Same reference.

Petition No. 104. By Mr. Barnaby: Petition of I. W. Wells and 17 other citizens of Kent county, on the same subject.

Same reference.

Petition No. 105. By Mr. Mapes: Petition of S. C. Strickland and 17 other citizens of Kent county, on the same subject.

Same reference.

Petition No. 106. By Mr. Watkins: Petition of A. E. Stoll and 14 other citizens of Hillsdale county, on the same subject.

Same reference.

MOTIONS AND RESOLUTIONS.

Mr. James offered the following resolution:

Senate resolution No. 18.

Resolved, That a respectful message be transmitted to the Governor requesting him to submit to this special session of the Legislature a message authorizing the consideration and passage of a bill to amend section 16 of chapter 32 of Act No. 215 of the Public Acts of 1895, entitled "An act to provide for the incorporation of cities of the fourth class," being compiler's section 3353 of the Compiled Laws of 1897, relative to the borrowing of money by school districts in anticipation of the collection of taxes already levied, or to be levied.

The resolution was adopted.

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
March 29, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to return to the Senate the following concurrent resolution:

Senate resolution No. 16.

Resolved by the Senate (the House of Representatives concurring),

That when the Legislature adjourns on Friday, March 29, it stand adjourned until Tuesday, April 2, at 9 o'clock p. m.

In the adoption of which the House has concurred.

Very respectfully,

CHARLES S. PIERCE,

Clerk of the House of Representatives.

The resolution was referred to the Secretary for record.

The following message from the House was also received and read:

House of Representatives,
March 28, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to return to the Senate the following concurrent resolution:

Senate concurrent resolution No. 3 (file No. 3), entitled

Concurrent resolution proposing an amendment to section 1 of article III of the constitution of this state, relative to the right of women to vote;

And to inform the Senate that in the passage of the concurrent resolution the House has concurred.

Very respectfully,

CHARLES S. PIERCE,

Clerk of the House of Representatives.

The concurrent resolution was referred to the Secretary for enrollment printing and deposit with the Secretary of State.

INTRODUCTION OF BILLS.

Mr. Moriarty, for Mr. Taylor, introduced

Senate bill No. 12, entitled

A bill to amend section 20 of Act No. 279 of the Public Acts of 1909, entitled "An act to provide for the incorporation of cities and for changing their boundaries," as amended by Act No. 203 of the Public Acts of 1911.

The bill was read a first and second time by its title, and referred to the Committee on Cities and Villages.

Mr. Moriarty moved that the bill be printed in the Journal.

The motion prevailed.

The following is the bill:

A bill to amend section 20 of Act No. 279 of the Public Acts of 1909, entitled "An act to provide for the incorporation of cities and for changing their boundaries," as amended by Act No. 203 of the Public Acts of 1911.

The People of the State of Michigan enact:

Section 1. Section 20 of Act No. 279 of the Public Acts of 1909, entitled "An act to provide for the incorporation of cities and for chang-

ing their boundaries," as amended by Act No. 203 of the Public Acts of 1911, is hereby amended to read as follows:

Sec. 20. The charter commission shall convene on the second Tuesday after the election at the place designated therefor. The city clerk shall preside at the first meeting, shall administer the oath of office to the members-elect, and shall act as clerk of the commission. It shall be the sole judge of the qualifications, elections and returns of its own members, choose its own officers, except clerk, determine the rules of its proceedings and keep a journal. A roll call of its members on any question shall be entered on the Journal at the request of one-fifth of its members, or less if it shall so determine. It may fill any vacancy in its membership, and it shall fix the time for the submission of the charter to the electors. No members shall receive compensation for more than ninety days and only for actual attendance. A majority of all the members shall constitute a quorum, and its sessions shall be public. The commission may submit with the charter independent sections or (alternative) propositions. Such independent sections as shall receive the approval of the majority of the electors voting thereon shall become a part of the charter if the charter is adopted by the electors. (If alternative propositions are submitted, that one receiving the greatest number of votes shall become a part of the charter if the charter is adopted by the electors.)

Mr. Watkins introduced

Senate bill No. 13, entitled

A bill to amend sections 1 and 4 and to repeal section 3 of Act No. 59 of the Public Acts of 1909, entitled "An act to prohibit the taking, catching or killing of certain species of bass during certain months of the year; to provide a penalty therefor, and to repeal all acts or parts of acts inconsistent herewith."

The bill was read a first and second time by its title, and referred to the Committee on Fisheries.

Mr. Watkins moved that the bill be printed in the Journal.

The motion prevailed.

The following is the bill:

A bill to amend sections 1 and 4 and to repeal section 3 of Act No. 59 of the Public Acts of 1909, entitled "An act to prohibit the taking, catching or killing of certain species of bass during certain months of the year; to provide a penalty therefor, and to repeal all acts or parts of acts inconsistent herewith."

The People of the State of Michigan enact:

Section 1. Sections 1 and 4 of Act No. 59 of the Public Acts of 1909 entitled, "An act to prohibit the taking, catching or killing of certain species of bass during certain months of the year; to provide a penalty therefor, and to repeal all acts or parts of acts inconsistent herewith," are hereby amended to read as follows:

Sec. 1. It shall be unlawful to take, catch or kill, or attempt to take, catch or kill in any manner or by any means whatever, in any of the waters of this state any small-mouthed black bass or big-mouthed black bass * * * from and after the first day of February in each year up to and including the fifteenth day of June thereafter.

Sec. 4. It shall be unlawful at any time hereafter for any person or

persons to sell, or offer for sale, or ship for the purpose of sale, any small-mouthed black bass or big-mouthed black bass * * * * within the borders of this state.

Sec. 2. Section three of act number fifty-nine of the Public Acts of nineteen hundred-nine, entitled "An act to prohibit the taking, catching or killing certain species of bass during certain months of the year; to provide a penalty therefor, and to repeal all acts or parts of acts inconsistent herewith," and all acts or parts of acts in anywise contravening the provisions of this act are hereby repealed.

Mr. Cartier moved that tthe Senate adjourn.

The motion prevailed.

The President declared the Senate adjourned until tomorrow at 2 o'clock p. m.

ELBERT V. CHILSON,
Secretary of the Senate.

NINTH DAY.

Lansing, Wednesday, April 3, 1912.

2 o'clock p. m.

The Senate met pursuant to adjournment and was called to order by the President.

Religious exercises were conducted by Rev. Taber, of the First Baptist Church of Battle Creek.

The roll of the Senate was called by the Secretary.

The following Senators were present:

Messrs. Barnaby, Bradley, Cartier, Collins, Conley, Foster, Freeman, James, Kingman, Kline, Lee, Leidlein, Mapes, Miller, Moriarty, Murtha, Putney, Rosenkrans, F. D. Scott, Vanderwerp, Watkins, Weter, White and Wiggins—24.

The following Senators were absent with leave: Messrs. Fowle, Newton and Snell—3.

The following Senators were absent without leave: Messrs. G. G. Scott, Taylor, Vaughan, Walter and Ward—5.

Mr. Moriarty moved that the absentees without leave be excused from today's session.

The motion prevailed.

By unanimous consent the Senate took up the order of

INTRODUCTION OF BILLS.

Mr. James introduced

Senate bill No. 14, entitled

A bill to amend section 16 of chapter 32 of Act No. 215 of the Public Acts of 1895, entitled "An act to provide for the incorporation of cities of the fourth class," the same being compiler's section 3353 of the Compiled Laws of 1897.

The bill was read a first and second time by its title, and referred to the Committee on Cities and Villages.

Mr. Cartier introduced

Senate bill No. 15, entitled

A bill to authorize the board of supervisors of each county to appro-

priate or raise money by tax for the encouragement of improved methods of farm management and practical instruction and demonstration in agriculture.

The bill was read a first and second time by its title and, pending its reference to a committee,

Mr. Cartier moved that the rules be suspended and that the bill be referred to the Committee of the Whole and placed on the General Orders.

The motion prevailed, two-thirds of the Senators present voting therefor

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was received and read:

State of Michigan, Executive Office,

Lansing, April 3, 1912.

To the Forty-Sixth Legislature of the State of Michigan:

Gentlemen:—The Legislature is authorized to consider a bill to authorize the township of Albion, in the county of Calhoun, to borrow money to pay certain indebtedness to the county of Calhoun, the state of Michigan, and to the several school districts and fractional districts within said township; and to provide funds for the fiscal year of 1912, and to tax said township to repay said loans.

This message is in response to House resolution No. 20, requesting the same.

Respectfully submitted,
CHASE S. OSBORN,
Governor.

The following message from the Governor was also received and read:

State of Michigan, Executive Office,

Lansing, April 3, 1912.

To the Forty-Sixth Legislature of the State of Michigan:

Gentlemen:—The Legislature is authorized to consider and enact a bill to amend section 16 of chapter 32 of Act No. 215 of the Public Acts of 1895, entitled "An act to provide for the incorporation of cities of the fourth class," being compiler's section 3353 of the Compiled Laws of 1897, relative to the borrowing of money by school districts in anticipation of the collection of taxes already levied, or to be levied.

This message is in response to Senate resolution No. 18, and House resolution No. 19, requesting the same.

Respectfully submitted,
CHASE S. OSBORN,
Governor.

The following message from the Governor was also received and read:

State of Michigan, Executive Office,
Lansing, April 3, 1912.

To the Forty-sixth Legislature of the State of Michigan:

Gentlemen— The Legislature is authorized to consider the enactment of a law amending the present fish laws, relative to the capturing and taking from the waters of the State of Michigan fish known as steel-head trout.

This message is in response to House resolution No. 22, requesting the same.

Respectfully submitted,
CHASE S. OSBORN,
Governor.

The messages were ordered spread upon the Journal.

PRESENTATION OF PETITIONS.

Petition No. 107. By Mr. Bradley: Petition of John W. S. Pierson and 102 other citizens of Montcalm county, in favor of the passage of the Watkins-Field bill and the Taylor-Ball bill.

The Petition was referred to the Committee on Insurance.

Petition No. 108. By Mr. Kingman: Petition of R. D. Freeman and 68 other citizens of Branch county, on the same subject.

Same reference.

Petition No. 109. By Mr. White: Petition of Rev. George W. H. Hill and 16 other citizens of Cass county, on the same subject.

Same reference.

Petition No. 110. By Mr. Moriarty: Petition of A. H. McConnell and 10 other citizens of Iron county on the same subject.

Same reference.

Petition No. 111. By Mr. Miller: Petition of A. J. King and 19 other citizens of Wayne county, on the same subject.

Same reference.

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
April 3, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit to the Senate the following concurrent resolution:

House resolution No. 21.

Resolved by the House of Representatives (The Senate concurring), That from and after 12 o'clock noon on Friday, April 5, 1912, the two Houses of the legislature shall transact no other business than for the President of the Senate and the Speaker of the House of Representatives to sign enrolled bills for presentation to the Governor, and the entry of the same on the Journal by the Secretary of the Senate and the Clerk of the House of Representatives, and the date of final adjournment of the legislature shall be on Wednesday, April 10, 1912, at 12 o'clock noon.

Which has been adopted by the House, and in which the concurrence of the Senate is respectfully asked.

Very respectfully,

CHARLES S. PIERCE,

Clerk of the House of Representatives.

The question being on concurring in the adoption of the resolution,

Mr. White moved to amend the resolution to read "Thursday, April 4," instead of "Friday, April 5."

Mr. Mapes moved that the motion made by Mr. White be laid on the table,

Upon which motion he demanded the yeas and nays.

The motion made by Mr. Mapes then did not prevail, a majority of the Senators present not voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby
Bradley
Cartier

Mr. Conley
Mapes

Mr. Rosenkrans
Scott, F. D.

Mr. Watkins
Weter

9

NAYS.

Mr. Collins
Foster
Freeman
James

Mr. Kingman
Kline
Lee
Leidlein

Mr. Miller
Murtha
Putney

Mr. Vanderwerp
White
Wiggins

14

The question being on the adoption of the amendment proposed by Mr. White,

The amendment prevailed.

The question being on concurring in the adoption of the resolution as amended,

Mr. Cartier moved to amend the resolution to provide that the final adjournment of the Legislature be fixed for Friday, April 5 instead of Wednesday, April 10.

The amendment did not prevail.

The question being on the adoption of the resolution as amended,

Mr. Mapes moved that the resolution be laid on the table,

Upon which motion he demanded the yeas and nays.

The motion made by Mr. Mapes then did not prevail, a majority of the Senators present not voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby
BradleyMr. Conley
MapesMr. Rosenkrans
Scott, F. D.Mr. Watkins
Weter

8

NAYS.

Mr. Cartier
Collins
Foster
FreemanMr. Kingman
Kline
Lee
LeidleinMr. Miller
Moriarty
Murtha
PutneyMr. Vanderwerp
White
Wiggins

15

The question being on the adoption of the resolution as amended,
The resolution was adopted.

The following message from the House was also received and read:

House of Representatives,
April 3, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit the following bill:
House bill No. 22, entitled

A bill to amend section 16 of chapter 32 of Act No. 215 of the Public Acts of 1895, entitled "An act to provide for the incorporation of cities of the fourth class," the same being compiler's section 3353 of the Compiled Laws of 1897.

And to inform the Senate that the bill has passed the House.

In this action of the House the concurrence of the Senate is respectfully asked.

Very respectfully,
CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was read a first and second time by its title and, pending its reference to a committee,

Mr. James moved that the rules be suspended and that the bill be placed on its immediate passage.

The motion prevailed, two-thirds of the Senators present voting therefor.

The bill was then read a third time, and pending the taking of the vote on the passage thereof.

Mr. James moved to amend the bill, as follows:

By inserting in line 3 of section 1 after the word "for" the words "the incorporation of."

The question being on the adoption of the amendment,

The amendment was adopted.

The question being on the passage of the bill,

The bill was then passed, a majority of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby
BradleyMr. Freeman
JamesMr. Mapes
MillerMr. Scott, F. D.
Vanderwerp

Mr. Cartier
Collins
Conley
Foster

Mr. Kingman
Kline
Lee
Leidlein

Mr. Moriarty
Murtha
Putney
Rosenkrans

Mr. Watkins
Weter
White
Wiggins

24

NAYS.

0

The title of the bill was agreed to.

The following message from the House was also received and read:

House of Representatives,
April 3, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit the following bill:
House bill No. 24, entitled

A bill authorizing the township of Albion in Calhoun county, to borrow money to pay certain indebtedness to the county of Calhoun, and the State of Michigan, and to the several school districts and fractional school districts within said township; and to provide funds for the fiscal year of 1912; and to tax said township to repay said loan.

And to inform the Senate that the bill has passed the House and has been ordered to take immediate effect.

In this action of the House the concurrence of the Senate is respectfully asked.

Very respectfully,

CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was read a first and second time by its title, and pending its reference to a committee,

Mr. Kingman moved that the rules be suspended, and that the bill be referred to the Committee of the Whole, and placed on the General Orders.

The motion prevailed, two-thirds of the Senators present voting therefor.

Messrs. Vaughan and Ward entered the Senate Chamber and took their seats.

Mr. Miller moved that the Senate resolve itself into the committee of the whole on the

GENERAL ORDERS OF THE DAY.

The motion prevailed.

The President called Mr. Freeman to the chair.

After some time spent therein, the committee rose, and through its chairman made the following report:

The committee has had under consideration the following:

House bill No. 14 (file No. 13), entitled

A bill to amend section 1 of Act No. 232 of the Public Acts of 1911, entitled "An act making it unlawful for any person in this state who is not regularly admitted to the practice of the bar, to represent himself as being an attorney at law or a solicitor in chancery, and to provide a penalty therefor;"

Also:

Senate bill No. 9, entitled

A bill to provide for the erection of armories, and making an appropriation therefor;

Has made no amendments thereto, and has directed its chairman to report the same back to the Senate, and recommend their passage.

The committee of the whole has also had under consideration the following:

House bill No. 24, entitled

A bill to authorize the township of Albion in Calhoun county, to borrow money to pay certain indebtedness to the county of Calhoun, and the State of Michigan, and to the several school districts and fractional school districts within said township; and to provide funds for the fiscal year of 1912; and to tax said township to repay said loan;

Has amended the same as follows:

1. By striking out all of lines 8, 9 and 10 of Sec. 3 down to the word "at" in line 10.

2. By striking out of line 11 of Sec. 3 the figures and words "30th day of April" and inserting in lieu thereof the words "15th day of July."

3. By striking out of line 11 of Sec. 3 the words "30th day of April" and inserting in lieu thereof the words "15th day of July."

And has directed its chairman to report the same back to the Senate, asking that the amendments be concurred in, and recommend that, as amended, the bill pass.

The committee of the whole has also had under consideration the following:

House bill No. 11 (file No. 11), entitled

A bill to regulate and limit nomination and election expenses; to define and prevent corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot, and to require accounts of nomination and election expenses to be filed and providing penalties for the violation of this act, and to provide the manner of conducting contests of nominations and elections in certain cases.

Has amended the same as follows:

1. By inserting in line 8 of section 32 after the word "beverage" the words "bandanna handkerchiefs."

2. By adding a new section to the bill to stand as section 45 and to read as follows:

Section 45. Writing, printing, publishing or circulating any false statement of, or concerning any candidate for public office; or of or concerning any proposed public enactment or law pending before any legislative body or before the electorate of this State, shall be deemed cor-

rupt practice and a felony, and the same is prohibited. Any person violating the provisions of this section shall be punished by a fine of not less than one thousand dollars and imprisonment for not less than one year and not more than 20 years.

And has directed its chairman to report the same back to the Senate, asking that the amendments be concurred in, and recommend that, all after the enacting clause of the bill be stricken out.

The committee of the whole has also had under consideration the following:

Senate concurrent resolution No. 10, entitled

A concurrent resolution proposing an amendment to section 21 of article 8 of the Constitution of Michigan, relative to amending the charters of cities and villages;

Has amended the same as follows:

By inserting in line 15 of section 21 after the word "ballot" the words "shall contain a copy of the proposed amendment and."

And has directed its chairman to report the same back to the Senate, asking that the amendment be concurred in, and recommend that, as amended, the concurrent resolution be adopted.

LEONARD FREEMAN,
Chairman.

The report was accepted.

The Senate concurred in the recommendation of the committee regarding the first and second named bills in the report and the bills were placed on the order of third reading of bills.

The Senate concurred in the amendments made to the third named bill in the report and the bill was placed on the order of third reading of bills.

The question being on concurring in the recommendation of the committee regarding the fourth named bill in the report, that all after the enacting clause of the bill be stricken out,

Mr. Mapes demanded the yeas and nays.

The Senate then did not concur in the recommendation of the committee, a majority of the Senators present not voting therefor, by yeas and nays as follows:

YEAS.

Mr. Bradley	Mr. Collins	Mr. Moriarty	Mr. Ward
Cartier	Kline	Murtha	White

8

NAYS.

Mr. Barnaby	Mr. Kingman	Mr. Putney	Mr. Watkins
Conley	Lee	Scott, F. D.	Weter
Foster	Mapes	Vanderwerp	Wiggins
James	Miller	Vaughan	

15

Mr. Miller moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

The Senate concurred in the amendment made to the concurrent reso-

lution named in the report and the concurrent resolution was placed on the order of Third Reading of Bills.

Mr. White moved that the Senate return to the order of Third Reading of Bills.

The motion prevailed.

THIRD READING OF BILLS.

Senate concurrent resolution No. 10, entitled

A concurrent resolution proposing an amendment to section 21 of article 8 of the Constitution of Michigan, relative to amending the charters of cities and villages;

Was read a third time and adopted, two-thirds of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Moriarty	Mr. Vaughan	
Bradley	Kingman	Murtha	Watkins	
Cartier	Kline	Putney	Weter	
Collins	Lee	Rosenkrans	White	
Conley	Mapes	Scott, F. D.	Wiggins	
Foster	Miller	Vanderwerp		23

NAYS.

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The title of the concurrent resolution was agreed to.

The following is the concurrent resolution:

Concurrent resolution proposing an amendment to section 21 of article 8 of the Constitution of Michigan, relative to amending the charters of cities and villages.

Resolved by the Senate of the State of Michigan (the House of Representatives concurring), That the following amendment to the Constitution of Michigan, relative to amending the charters of cities and villages, is hereby proposed and submitted to the people of the State, that is to say, that section 21 of article 8 of said Constitution be amended to read as follows:

Sec. 21. Under such general laws, the electors of each city and village shall have power and authority to frame, adopt and amend its charter, (or to amend its charter granted by the Legislature), and, through its regularly constituted authority, to pass all laws and ordinances relating to its municipal concerns, subject to the Constitution and general laws of this State.

Resolved further, That the foregoing amendment be submitted to the people of this State at the general election in the year 1912. The Secretary of State is hereby required to certify the foregoing amendment to the clerks of the several counties of the state as required by law. It shall be the duty of the board of election commissioners of each county to prepare a ballot for the use of the electors in voting upon such amendment, which ballot shall contain a copy of the proposed amendment, and shall be substantially in the following form:

"Vote on amendment to section 21 of article 8 of the Constitution, relative to amending the charters of cities and villages.

Amendment to section 21 of article 8 of the Constitution; relative to amending the charters of cities and villages, Yes ().

Amendment to section 21 of article 8 of the constitution, relative to amending the charters of cities and villages, No ().

It shall be the duty of the board of election commissioners of each county to deliver the ballots so prepared to the inspectors of the election at the several voting precincts within their respective counties within the time ballots to be used at said election are required to be delivered to such inspectors under the general election law. All votes cast upon said amendment shall be counted, canvassed and returned in the same manner as is required by law for counting, canvassing and returning the vote for State officers.

Mr. Rosenkrans asked and obtained leave of absence for himself from the remainder of today's session and tomorrow's session up to 11 o'clock a. m.

Senate bill No. 9, entitled

A bill to provide for the erection of armories, and making an appropriation therefor;

Was read a third time and passed, a majority of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Moriarty	Mr. Ward	
Bradley	Kingman	Murtha	Watkins	
Cartier	Kline	Putney	Weter	
Collins	Lee	Scott, F. D.	White	
Conley	Mapes	Vanderwerp	Wiggins	
Foster	Miller	Vaughan		23

NAYS.

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The title of the bill was agreed to.

House bill No. 14 (file No. 13), entitled

A bill to amend section 1 of Act No. 232 of the Public Acts of 1911, entitled "An act making it unlawful for any person in this State, who is not regularly admitted to the practice of the bar, to represent himself as being an attorney at law or a solicitor in chancery, and to provide a penalty therefor;"

Was read a third time and passed, a majority of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Moriarty	Mr. Ward
Bradley	Kingman	Murtha	Watkins
Cartier	Kline	Putney	Weter
Collins	Lee	Scott, F. D.	White
Conley	Mapes	Vanderwerp	Wiggins
Foster	Miller	Vaughan	
			23

NAYS.

0

The title of the bill was agreed to.

House bill No. 11 (file No. 11), entitled

A bill to regulate and limit nomination and election expenses; to define and prevent corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot, and to require accounts of nomination and election expenses to be filed, and providing penalties for the violation of this act, and to provide the manner of conducting contests of nominations and elections in certain cases;

Was read a third time, and pending the taking of the vote on the passage thereof,

Mr. Miller offered the following substitute for the bill:

A bill to prevent corrupt practices at elections by providing for publicity in campaign contributions.

The People of the State of Michigan enact:

Sec. 1. Every candidate for party nomination as a candidate for public office at any primary election or by any political convention, and every candidate for election to public office in this state, shall file, not more than five days prior to such primary election, the meeting of such convention, or such election, as the case may be with the county clerk of the county within which he resides, a full, true, and complete statement of all campaign contributions received by him or by any person for him. Such statement shall show the date of each contribution, the form in which it was paid, and the person making the same. It shall be sworn to by such candidates.

Sec. 2. Any person who shall swear to an incomplete or untrue statement as required in this act, and file the same as herein required, shall be guilty of perjury, and shall be subject to the penalty prescribed therefor in the general laws of this state.

The question being on receiving the substitute,

Mr. F. D. Scott moved that the substitute be laid on the table.

The motion prevailed.

House bill No. 24, entitled

A bill to authorize the township of Albion in Calhoun County, to borrow money to pay certain indebtedness to the County of Calhoun, and the State of Michigan, and to the several school districts and fractional school districts within said township; and to provide funds for the fiscal year of 1912; and to tax said township to repay said loan;

Was read a third time and passed, a majority of the Senators-elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Barnaby	Mr. Kingman	Mr. Moriarty	Mr. Ward	
Cartier	Kline	Murtha	Watkins	
Collins	Lee	Putney	Weter	
Conley	Leidlein	Scott, F. D.	White	
Foster	Mapes	Vanderwerp	Wiggins	
James	Miller	Vaughan		23

NAYS.

0

The title of the bill was agreed to.

By unanimous consent the Senate returned to the order of

REPORTS OF STANDING COMMITTEES.

By the Committee on Fisheries:

The Committee on Fisheries reports

Senate bill No. 13, entitled

A bill to amend sections 1 and 4 and to repeal section 3 of Act No. 59 of the Public Acts of 1909, entitled "An act to prohibit the taking, catching or killing of certain species of bass during certain months of the year; to provide a penalty therefor, and to repeal all acts or parts of acts inconsistent herewith;"

With the following amendment thereto:

By striking out section 4 and inserting in lieu thereof a new section to stand as section 4 and to read as follows:

Sec. 4. It shall be unlawful at any time hereafter for any person or persons to sell or offer for sale or ship for the purpose of sale, any small-mouthed black bass, big-mouthed black bass, strawberry, silver or calico bass, or white bass, within the borders of this state;

Recommend that the amendment be concurred in, and that when so amended the bill pass.

W. A. COLLINS,
Chairman.

The report was accepted and adopted and the committee discharged.

Mr. Collins moved that the Senate concur in the amendment made to the bill by the committee.

The motion prevailed.

Pending the reference of the bill to the Committee of the Whole,

Mr. Watkins moved that the rules be suspended and that the bill be placed on its immediate passage.

The motion prevailed, two-thirds of the Senators present voting therefor.

The bill was then read a third time and passed, a majority of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Miller	Mr. Ward
Bradley	Kingman	Moriarty	Watkins
Cartier	Kline	Murtha	Weter
Collins	Lee	Vanderwerp	White
Conley	Leidlein	Vaughan	Wiggins
Foster	Mapes		

22

NAYS.

0

The title of the bill was agreed to.

By unanimous consent the Senate returned to the order of

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was received and read:

State of Michigan, Executive Office

Lansing, April 3, 1912.

To the Forty-Sixth Legislature of the State of Michigan,

Gentlemen:—The Legislature is authorized and requested to consider a bill or bills providing for the abolishment of the office of State Salt Inspector from and after January 25, 1913, and to repeal the law creating that office.

Respectfully submitted,

CHASE S. OSBORN,
Governor.

The message was ordered spread upon the Journal.

INTRODUCTION OF BILLS.

Mr. Weter introduced

Senate bill No. 16, entitled

A bill to abolish the office of Salt Inspector, and to repeal Act No. 29 of the Public Acts of 1869, as amended, being sections 4911 to 4953, inclusive, of the Compiled Laws of 1897.

The bill was read a first and second time by its title, and pending its reference to a committee,

Mr. Weter moved that the rules be suspended, and that the bill be referred to the Committee of the Whole and placed on the General Orders.

The motion prevailed, two-thirds of the Senators present voting therefor.

Mr. Cartier moved that the bill be printed in the Journal.

The motion prevailed.

The following is the bill:

A bill to abolish the office of Salt Inspector, and to repeal Act No. 29 of the Public Acts of 1869 as amended, being sections 4911 to 4953 inclusive of the Compiled Laws of 1897.

The People of the State of Michigan enact:

Section 1. The office of the Inspector of Salt shall be abolished, and Act No. 29 of the Public Acts of 1869, as amended, being sections 4911 to 4953 inclusive of the Compiled Laws of 1897, shall be repealed from and after January 25, 1913. It shall be the duty of the Inspector of Salt, and of deputies, clerks or employes holding positions under authority of the above act to deliver, to the Board of State Auditors, on or before the 25th day of January, 1913, all such records, papers, property, etc., as may be in their possession, as an officer or appointee under the provisions of the said above named act. It shall be the duty of the Board of State Auditors to keep, file and preserve same in its office.

Mr. Mapes moved that the Senate resolve itself into the committee of the whole on the

GENERAL ORDERS OF THE DAY.

The motion prevailed.

The President called Mr. Cartier to the chair.

After some time spent therein, the committee rose, and through its chairman made the following report:

The committee has had under consideration the following:

Senate bill No. 15, entitled

A bill to authorize the board of supervisors of each county to appropriate or raise money by tax for the encouragement of improved methods of farm management and practical instruction and demonstration in agriculture;

Also:

Senate bill No. 16, entitled

A bill to abolish the office of Salt Inspector, and to repeal Act No. 29 of the Public Acts of 1869, as amended, being sections 4911 to 4953 inclusive of the Compiled Laws of 1897;

Has made no amendments thereto, and has directed its chairman to report the same back to the Senate, and recommend their passage.

CHAS. E. CARTIER,

Chairman.

The report was accepted.

The Senate concurred in the recommendation of the committee regarding the two bills named in the report and the bills were placed on the order of third reading of bills.

Mr. Cartier moved that the Senate return to the order of Third Reading of Bills.

The motion prevailed.

THIRD READING OF BILLS.

Senate bill No. 15, entitled

A bill to authorize the board of supervisors of each county to appropriate or raise money by tax for the encouragement of improved methods of farm management and practical instruction and demonstration in agriculture;

Was read a third time and passed, a majority of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. Kingman	Mr. Murtha	Mr. Ward	
Bradley	Lee	Putney	Watkins	
Conley	Mapes	Scott, F. D.	Weter	
Foster	Miller	Vanderwerp	White	
James	Moriarty	Vaughan	Wiggins	20

NAYS.

0

The title of the bill was agreed to.

Senate bill No. 16, entitled

A bill to abolish the office of Salt Inspector, and to repeal Act No. 29 of the Public Acts of 1869, as amended, being sections 4911 to 4953 inclusive of the Compiled Laws of 1897;

Was read a third time and not passed, a majority of the Senators-elect not voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. Kingman	Mr. Putney	Mr. Watkins	
Cartier	Lee	Scott, F. D.	Weter	
Foster	Mapes	Vanderwerp	White	
James	Moriarty	Ward	Wiggins	16

NAYS.

Mr. Bradley	Mr. Conley	Mr. Murtha	3
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Mr. Cartier moved to reconsider the vote by which the Senate failed to pass the bill.

The motion prevailed.

Mr. Cartier moved that the bill be laid on the table.

The motion prevailed.

Mr. Miller moved that when the Senate adjourns today, it stand adjourned until tomorrow at 9:30 o'clock a. m.

The motion prevailed.

Mr. Cartier moved that the Senate adjourn.

The motion prevailed.

The President declared the Senate adjourned until tomorrow at 9:30 o'clock a. m.

ELBERT V. CHILSON,
Secretary of the Senate.

TENTH DAY.

Lansing, Thursday, April 4, 1912.

9:30 o'clock a. m.

The Senate met pursuant to adjournment and was called to order by the President.

The roll of the Senate was called by the Secretary.

The following Senators were present:

Messrs. Barnaby, Bradley, Cartier, Collins, Conley, Foster, James, Kingman, Kline, Lee, Leidlein, Mapes, Miller, Moriarty, Murtha, Putney, F. D. Scott, Vanderwerp, Vaughan, Ward, Watkins, Weter, White and Wiggins—24.

The following Senator was absent with leave: Mr. Rosenkrans—1.

The following Senators were absent without leave: Messrs. Fowle, Freeman, Newton, G. G. Scott, Snell, Taylor and Walter—7.

Mr. Moritray moved that the absentees without leave be excused from today's session.

The motion prevailed.

ANNOUNCEMENTS FROM THE SECRETARY.

The Secretary announced that the following concurrent resolution had been printed and that it was deposited with the Secretary of State April 4:

Senate concurrent resolution No. 3 (file No. 3, enrolled No. 1.)

MOTIONS AND RESOLUTIONS.

Mr. Bradley offered the following resolution:

Senate resolution No. 19.

Whereas, the work of cleaning and taking care of the Senate Chamber, has for the last two special sessions been done by only three janitors, and as the work has required nine janitors in regular session, and whereas they have been compelled to work from sixteen to eighteen hours each day; therefore be it

Resolved, That they receive twenty-five (\$25.00) dollars each for extra service rendered.

The resolution was adopted.

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
April 4, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit the following bill:

House bill No. 5 (file No. 4), entitled

A bill to amend section 1 of Act No. 266 of the Public Acts of 1895, entitled "An act relative to bonds and other obligations, with surety or sureties, and the acceptance as surety thereon of companies qualified to act as such, and the release of such surety, and the safe depositing of assets for which such surety may be liable, and to the charging by fiduciaries of the expense of procuring sureties, and repealing all laws in conflict therewith," as last amended by Act No. 321 of the Public Acts of 1907, the same being compiler's section 5196 of the Compiled Laws of 1897;

And to inform the Senate that the bill has passed the House.

In this action of the House the concurrence of the Senate is respectfully asked.

Very respectfully,

CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was read a first and second time by its title and pending its reference to a committee,

Mr. Watkins moved that the rules be suspended and that the bill be referred to the Committee of the Whole and placed on the General Orders.

Upon which motion, Mr. Mapes demanded the yeas and nays.

The motion made by Mr. Watkins then did not prevail, two-thirds of the Senators present not voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. Kingman	Mr. Scott, F. D.	Mr. Watkins
Cartier	Mapes	Vanderwerp	Weter
Conley	Putney	Vaughan	Wiggins
Foster			

13

NAYS.

Mr. Bradley	Mr. Lee	Mr. Moriarty	Mr. Ward
Collins	Leidlein	Murtha	White
Kline	Miller		

10

Pending the announcement of the vote,

Mr. James obtained consent to have the following statement entered upon the Journal: "I am engaged in the insurance business and as the passage of this bill will affect my business, I do not feel that it would be proper for me to vote either for or against its passage."

The bill was referred to the Committee on Insurance.

The following message from the House was also received and read:

House of Representatives,
April 3, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit the following bill:

House bill No. 19 (file No. 18), entitled

A bill to amend section 23 of Act No. 190, Public Acts of 1891, as amended, entitled "An act to prescribe the manner of conducting and to prevent fraud and deception at elections in this state," said amended section being section 3633, Compiled Laws of 1897;

And to inform the Senate that the bill has passed the House.

In this action of the House the concurrence of the Senate is respectfully asked.

Very respectfully,
CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was read a first and second time by its title, and pending its reference to a committee,

Mr. Conley moved that the rules be suspended and that the bill be referred to the Committee of the Whole and placed on the General Orders.

The motion prevailed, two-thirds of the Senators present voting therefor.

The following message from the House was also received and read:

House of Representatives,
April 3, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit the following bill:

House bill No. 20, entitled

A bill to provide for the erection of armories and making an appropriation therefor;

And to inform the Senate that the bill has passed the House.

In this action of the House the concurrence of the Senate is respectfully asked.

Very respectfully,
CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was read a first and second time by its title and, pending its reference to a committee,

Mr. Mapes moved that the rules be suspended and that the bill be placed on its immediate passage.

The motion prevailed, two-thirds of the Senators present voting therefor.

The bill was then read a third time and passed, a majority of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Moriarty	Mr. Ward	
Bradley	Kingman	Murtha	Watkins	
Cartier	Lee	Putney	Weter	
Collins	Leidlein	Scott, F. D.	White	
Conley	Mapes	Vanderwerp	Wiggins	
Foster	Miller	Vaughan		28

NAYS.

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The title of the bill was agreed to.

Mr. Mapes moved that the bill be ordered to take immediate effect. The motion did not prevail, two-thirds of the Senators-elect not voting therefor.

The following message from the House was also received and read:

House of Representatives,
April 3, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit the following bill:
House bill No. 17 (file No. 16), entitled

A bill to amend Act No. 177 of the Session Laws of 1859, entitled "An act further to preserve the purity of elections and guard against the abuse of the elective franchise by a registration of electors," as amended by Act No. 97 of the Public Acts of 1911, by the addition of four new sections, said added sections to stand as sections 18, 19, and 20 of said act;

And to inform the Senate that the bill has passed the House.

In this action of the House the concurrence of the Senate is respectfully asked.

Very respectfully,

CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was read a first and second time by its title and, pending its reference to a committee.

Mr. Vaughan moved that the rules be suspended and that the bill be referred to the Committee of the Whole and placed on the General Orders.

The motion prevailed, two-thirds of the Senators present voting therefor.

The following message from the House was also received and read:

House of Representatives,
April 4, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to return to the Senate the following bill:

Senate bill No. 1 (file No. 1), entitled

A bill to amend section 2 of Act No. 313 of the Public Acts of 1887,

entitled "An act to provide for the taxation and regulation of the business of manufacturing, selling, keeping for sale, furnishing, giving or delivering spirituous and intoxicating liquors, and malt, brewed or fermented liquors and vinous liquors in this state, and to repeal all acts or parts of acts inconsistent with the provisions of this act," as amended by Act No. 291 of the Public Acts of 1909, and by Act No. 170 of the Public Acts of 1911, said amended section being compiler's section 5380 of the Compiled Laws of 1897;

And to inform the Senate that in the passage of the bill the House has concurred.

Very respectfully,

CHARLES S. PIERCE,

Clerk of the House of Representatives.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Mr. F. D. Scott moved that the Senate take a recess until 10 o'clock a. m.

The motion prevailed, the time being 9:50 o'clock a. m.

AFTER RECESS.

10 o'clock a. m.

The Senate was called to order by the President.

A quorum of the Senate was present.

Mr. Moriarty moved that the Senate resolve itself into the committee of the whole on the

GENERAL ORDERS OF THE DAY.

The motion prevailed.

The President called Mr. Lee to the chair.

After some time spent therein, the committee rose, and through its chairman made the following report:

The committee has had under consideration the following:

House bill No. 19 (file No. 18), entitled

A bill to amend section 23 of Act No. 190, Public Acts of 1891, as amended, entitled "An act to prescribe the manner of conducting and to prevent fraud and deception at elections in this state," said amended section being section 3633, Compiled Laws of 1897;

Has made no amendments thereto, and has directed its chairman to report the same back to the Senate, and recommend its passage.

The committee of the whole has also had under consideration the following:

House bill No. 17 (file No. 16), entitled

A bill to amend Act No. 177 of the Session Laws of 1859, entitled "An act further to preserve the purity of elections and guard against the abuse of the elective franchise by a registration of electors," as amended by Act No. 97 of the Public Acts of 1911, by the addition of four new sections, said added sections to stand as sections 18, 19 and 20 of said act;

Has made no amendments thereto, and has directed its chairman to report the same back to the Senate, and recommend that all after the enacting clause of the bill be stricken out.

JAMES H. LEE,
Chairman.

The report was accepted.

The Senate concurred in the recommendation of the committee regarding the first named bill in the report and the bill was placed on the order of Third Reading of Bills.

The Senate concurred in the recommendation of the committee regarding the second named bill in the report and all after the enacting clause of the bill was stricken out.

By unanimous consent the Senate returned to the order of

REPORTS OF STANDING COMMITTEES.

By the Committee on Insurance:

The Committee on Insurance reports House bill No. 5 (file No. 4) entitled

A bill to amend section 1 of act No. 266 of the Public Acts of 1895, entitled "An act relative to bonds and other obligations, with surety or sureties, and the acceptance as surety thereon of companies qualified to act as such, and the release of such surety, and the safe depositing of assets for which such surety may be liable, and to the charging by fiduciaries of the expense of procuring sureties, and repealing all laws in conflict therewith," as last amended by act No. 321 of the Public Acts of 1907, the same being compiler's section 5196 of the Compiled Laws of 1897;

Without recommendation.

WILLIAM H. BRADLEY,
Acting Chairman.

The report was accepted and adopted and the committee discharged.

Mr. Bradley moved that the rules be suspended and that the bill be placed on the order of Third Reading of Bills.

The motion prevailed, two-thirds of the Senators present voting therefor.

Unanimous consent being obtained,

Mr. F. D. Scott moved to take from the table

Senate substitute for House bill No. 11 (file No. 11), entitled

A bill to prevent corrupt practices at elections by providing for publicity in campaign contributions.

The motion prevailed.

Mr. Miller then withdrew the substitute offered for the bill yesterday.

The question being on the passage of House bill No. 11, (file No. 11).

Mr. F. D. Scott moved that the bill be referred to the Committee of the Whole and placed on the General Orders.

The motion prevailed.

By unanimous consent the Senate returned to the order of

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
April 4, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to return to the Senate the following bill.

Senate bill No. 15, entitled

A bill to authorize the board of supervisors of each county to appropriate or raise money by tax for the encouragement of improved methods of farm management and practical instruction and demonstration in agriculture;

And to inform the Senate that in the passage of the bill the House has concurred.

Very respectfully,
CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

The following message from the House was also received and read:

House of Representatives,
April 4, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to return to the Senate the following bill:

Senate bill No. 13, entitled

A bill to amend sections 1 and 4 and to repeal section 3 of Act No. 59 of the Public Acts of 1909, entitled "An act to prohibit the taking, catching or killing of certain species of bass during certain months of the year; to provide a penalty therefor, and to repeal all acts or parts of acts inconsistent herewith;"

And to inform the Senate that in the passage of the bill the House has concurred.

Very respectfully,
CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate returned to the order

THIRD READING OF BILLS.

House bill No. 5 (file No. 4), entitled

A bill to amend section 1 of Act No. 266 of the Public Acts of 1895, entitled "An act relative to bonds and other obligations, with surety or sureties, and the acceptance as surety thereon of companies qualified to act as such, and the release of such surety, and the safe depositing of assets for which such surety may be liable, and to the charging by fiduciaries of the expense of procuring sureties, and repealing all laws in conflict therewith," as last amended by Act No. 321 of the Public Acts of 1907, the same being compiler's section 5196 of the Compiled Laws of 1897;

Was read a third time, and the question being on the passage thereof, After extended debate,

Mr. Leidlein moved the previous question,

Which motion was seconded.

The question being "Shall the main question be now put?"

The same was ordered.

The question being on the passage of the bill,

Mr. Watkins moved that there be a call of the Senate.

The motion prevailed.

PROCEEDINGS UNDER THE CALL.

The roll of the Senate was called by the Secretary, and the following Senator was reported absent without leave: Mr. Putney.

Mr. Weter moved that Mr. Putney be excused from the operation of the call.

The motion prevailed.

The question being on the passage of the bill.

The bill was then not passed, a majority of the Senators-elect not voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby
Conley
Foster

Mr. Kingman
Mapes
Scott, F. D.

Mr. Vanderwerp
Vaughan
Watkins

Mr. Weter
Wiggins

NAYS.

Mr. Bradley	Mr. Kline	Mr. Miller	Mr. Ward	
Cartier	Lee	Moriarty	White	
Collins	Leidlein	Murtha		11

Mr. Cartier moved that all further proceedings under the call be dispensed with.

The motion prevailed.

House bill No. 19 (file No. 18), entitled

A bill to amend section 23 of Act No. 190, Public Acts of 1891, as amended, entitled "An act to prescribe the manner of conducting and to prevent fraud and deception at elections in this State," said amended section being section 3633, Compiled Laws of 1897;

Was read a third time and passed, a majority of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Moriarty	Mr. Watkins	
Bradley	Kingman	Scott, F. D.	Weter	
Cartier	Lee	Vanderwerp	White	
Conley	Mapes	Vaughan	Wiggins	
Foster	Miller	Ward		19

NAYS.

Mr. Leidlein	Mr. Murtha	2
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By unanimous consent the Senate returned to the order of

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
April 4, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit the following bill:
House bill No. 25, entitled

A bill to amend sections 1 and 4 of Act No. 111 of the Public Acts of 1889, as amended, entitled "An act to protect fish and to regulate fishing in the waters of this state, by providing close seasons for certain kinds of fish, by prohibiting the catching of fish in certain specified ways, by prohibiting the catching of fish of certain sizes and in certain waters and for certain purposes, by prohibiting the catching and killing, in the lakes, rivers and streams of this state of more than a certain number of certain specified kinds of fish in any one day, by prohibiting the taking away and having possession of more than a certain number of such fish at any point away therefrom, by prohibiting the

obstruction of the free passage of fish, and by prohibiting the sale of certain kinds of fish, to protect persons engaged in fish culture, and to repeal inconsistent acts," the same being Compiler's sections 5861 and 5864 of the Compiled Laws of 1897;

And to inform the Senate that the bill has passed the House.

In this action of the House the concurrence of the Senate is respectfully asked.

Very respectfully,

CHARLES S. PIERCE,

Clerk of the House of Representatives.

The bill was read a first and second time by its title and referred to the Committee on Fisheries.

The following message from the House was also received and read:

House of Representatives,
April 4, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit the following concurrent resolution:

House concurrent resolution No. 21 (file No. 19), entitled

A concurrent resolution proposing an amendment to section 21 of article VIII of the constitution relative to the amendment of the charters of cities and villages;

And to inform the Senate that the concurrent resolution has been adopted by the House.

In this action of the House the concurrence of the Senate is respectfully asked.

Very respectfully,

CHARLES S. PIERCE,

Clerk of the House of Representatives.

The concurrent resolution was read a first and second time by its title and pending its reference to a committee,

Mr. White moved that the rules be suspended and that the Concurrent Resolution be placed on its immediate consideration.

The motion prevailed, two-thirds of the Senators present voting therefor.

The Concurrent Resolution was then read a third time and adopted, two-thirds of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby
Bradley
Cartier
Collins
Conley
Foster

Mr. James
Kingman
Kline
Lee
Leidlein
Mapes

Mr. Miller
Moriarty
Murtha
Scott, F. D.
Vanderwerp
Vaughan

Mr. Ward
Watkins
Weter
White
Wiggins

23

NAYS.

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The title of the concurrent resolution was agreed to.

The following is the concurrent resolution:

House concurrent resolution No. 21 (file No. 19), entitled

A concurrent resolution proposing an amendment to section 21 of article 8 of the constitution relative to the amendment of the charters of cities and villages.

Resolved by the House of Representatives (the Senate concurring), That the following amendment to section 21 of article 8 of the constitution relative to the amendment of the charters of cities and villages is hereby proposed and submitted to the people of the state.

Section 21. Under such general laws, the electors of each city and village shall have power and authority to frame, adopt and amend its charter and to amend an existing charter of the city or village heretofore granted or passed by the Legislature for the government of the city or village through its regularly constituted authority, to pass all laws and ordinances relating to its municipal concerns, subject to the constitution and general laws of this state; be it further

Resolved, That the foregoing amendment be submitted to the people of this state at the general election, to be held in the month of November, in the year nineteen hundred twelve. The Secretary of State is hereby required to certify the foregoing amendment to the clerks of the several counties of the state as required by law. It shall be the duty of the board of election commissioners of each county to prepare a ballot for the use of the electors for voting upon said amendment, which ballot shall be in substantially the following form:

"Vote on amendment to section twenty-one of article eight of the constitution relative to the amendment of the charters of cities and villages. It being proposed that said section 21 of Article VIII be amended to read as follows:

ARTICLE VIII.

Section 21. Under such general laws, the electors of each city and village shall have power and authority to frame, adopt and amend its charter, [and to amend an existing charter of the city or village heretofore granted or passed by the Legislature for the government of the city or village] and, through its regularly constituted authority, to pass all laws and ordinances relating to its municipal concerns, subject to the constitution and general laws of this state.

Amendment to section twenty-one of article eight of the constitution, relative to the amendment of the charters of cities and villages. Yes. ().

Amendment to section twenty-one of article eight of the constitution relative to the amendment of the charters of cities and villages. No. ()."

It shall be the duty of the board of election commissioners of each county to deliver the ballots so prepared to the inspectors of election at the several voting precincts within their respective counties within the time ballots to be used at said election are required to be delivered to such inspectors under the general election law. All votes cast upon said amendment shall be counted, canvassed and returned in the same man-

ner as is provided by law for counting, canvassing and returning the vote for state officers.

The following message from the House was also received and read:

House of Representatives,
April 4, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to return to the Senate the following bill:

Senate bill No. 11, entitled

A bill to amend section 3 of Act No. 213 of the Public Acts of 1909, entitled "An act to regulate the taking of fish in the waters of Lakes Superior, Michigan, Huron, and Erie, the bays thereof, and the connecting waters between said lakes within the jurisdiction of this State, and to regulate the transportation, sale and possession of fish taken from said waters," approved June 2, 1909; relative to the mode of determining the size of the mesh of the nets used therein;

Which the House has amended as follows:

By striking out all after the word "measure" in the last line of section 3 and inserting in lieu thereof the words "as the nets are found in use in the water: Provided, however, That meshes of pound nets used in taking pickerel or wall-eyed pike, perch, herring, chubs and other rough fish shall be extension measure as manufactured."

And to inform the Senate that in the passage of the bill as thus amended the House has concurred.

Very respectfully,

CHARLES S. PIERCE,
Clerk of the House of Representatives.

The question being on concurring in the amendment made to the bill by the House,

Mr. Miller moved that the bill be laid on the table.

The motion prevailed.

Messrs. White and Wiggins asked and obtained leaves of absence for themselves for the remainder of the present special session.

Mr. Cartier moved that the Senate take a recess until 2 o'clock p. m.
The motion prevailed, the time being 12:05 o'clock p. m.

AFTER RECESS.

2 o'clock p. m.

The Senate was called to order by the President.
A quorum of the Senate was present.

Senators Taylor and Walter entered the Senate Chamber and took their seats.

Messrs. Kline and Ward asked and obtained leaves of absence for themselves from the remainder of this special session after today.

Mr. Miller asked and obtained leave of absence for himself for the remainder of this special session after 4 o'clock today.

The Senate took up the order of

REPORTS OF STANDING COMMITTEES.

By the Committee on Supplies and Expenses:

The Committee on Supplies and Expenses reports the following accounts:

C. J. Rouser, supplies	\$3 50
John Buehler, supplies	50
Panacea Spring Water Co.....	45 00
Citizens Telephone Company	15 60
E. W. Green, hauling mail	1 00
E. S. Tooker, rental of typewriters	2 00
Michigan State Telephone Co.....	13 50
C. M. Dudd, rental of typewriter 6 weeks.....	6 00
Western Union Telegraph Co.....	25
John Holcomb, supplies	85

With the recommendation that the accounts be allowed and orders drawn for the same.

M. H. MORIARTY,
Chairman.

The report was accepted and adopted and the accounts ordered paid.

Mr. F. D. Scott moved that the Senate resolve itself into the committee of the whole on the

GENERAL ORDERS OF THE DAY.

The motion prevailed.

The President called Mr. Lee to the chair.

After some time spent therein, the committee rose, and through its chairman made the following report:

The committee has had under consideration the following:

House bill No. 11 (file No. 11), entitled

A bill to regulate and limit nomination and election expenses; to define and prevent corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot, and to require accounts of nomination and election expenses to be filed, and providing penalties for the violation of this act, and to provide the manner of conducting contests of nominations and elections in certain cases;

Has adopted a substitute therefor, and has directed its chairman to report the same back to the Senate, asking that the substitute be concurred in, and recommend that as substituted, the bill pass.

JAMES H. LEE,
Chairman.

The report was accepted.

The Senate concurred in the substitute made to the bill named in the report and the bill as substituted was placed on the order of Third Reading of Bills.

The following is the substitute:

A bill to regulate and limit nomination and election expenses; to define and prevent corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot, and to require accounts of nomination and election expenses to be filed, and providing penalties for the violation of this act;

The People of the State of Michigan enact:

Section 1. No sums of money shall be paid, and no expenses authorized or incurred by or on behalf of any candidate to be paid by him in order to secure or aid in securing his nomination to any public office or position in this state, in excess of twenty-five per cent of one year's compensation or salary of the office for which he is a candidate, except candidates for State offices, who may expend not to exceed ten thousand dollars, and candidates for Congress who may expend not to exceed twenty-five hundred dollars, and members of the Legislature who may expend not to exceed four hundred dollars: Provided, That no candidate shall be restricted to less than one hundred dollars in his campaign for such nomination or election. No sums of money shall be paid and no expenses authorized or incurred contrary to the provisions of this act for or on behalf of any candidate for nomination. No sums of money shall be paid and no expense authorized or incurred by or on behalf of any candidate who has received the nomination to any public office or position in this State, in excess of twenty-five per cent of one year's salary or compensation of the office for which he is nominated, except candidates for State offices who may expend not to exceed ten thousand dollars, and candidates for Congress who may expend not to

exceed twenty-five hundred dollars, and members of the Legislature who may expend not to exceed four hundred dollars: Provided that no candidates shall be restricted to less than one hundred dollars. No sum of money shall be paid and no expenses authorized or incurred by or on behalf of any candidate contrary to the provisions of this act.

SEC. 2. No candidate and no treasurer of any political committee shall pay, give or lend, or agree to pay, give or lend, either directly or indirectly, any money or other valuable thing for any nomination or election expenses whatever, except for the following purposes:

First, For printing and traveling expenses and personal expenses incident thereto, stationery, advertising, postage, expressage, freight, telegraph, telephone and public messenger services;

Second, For dissemination of information to the public;

Third, For political meetings, demonstrations and conventions;

Fourth, For the rent, maintenance and furnishing of offices;

Fifth, For the payment of clerks, typewriters, stenographers, janitors, and messengers actually employed;

Sixth, For the employment of challengers at primaries and elections, to the number allowed by law;

Seventh, For the payment of public speakers and musicians at public meetings and their necessary traveling expenses;

Eighth, For copying and classifying of election registers or poll lists and investigating the right to vote of the persons listed or registered therein, and conducting proceedings to purge the register and lists and prevent improper or unlawful registration or voting;

Ninth, For making canvasses of voters;

Tenth, For conveying infirm or disabled voters to and from the polls;

Eleventh, For employing as counsel, attorneys licensed to practice in accordance with the laws of the state, and for the necessary expenses of such counsel.

None of the provisions of this act shall be construed as relating to the rendering of services by speakers, writers, publishers, or others, for which no compensation is asked or given.

SEC. 3. Every person who shall be a candidate before any caucus or convention, or at any primary election, or at any election for any state, county, city, township, district or municipal office, or for senator or representative in the legislature or for presidential elector to elect a president of the United States, senator or representative in the congress of the United States, shall, within not less than five days after any primary election, caucus or convention, and again within twenty days after any general election, make out and file with the secretary of state, if a candidate for senator of the United States, representative in congress, presidential elector, or for any state office or district office in a district not within one county, or for state senator or representative in the legislature from a district not within one county, but with the county clerk for legislative or senatorial districts composed of not more than one county, and for county, district and township offices, and with the town clerk or city clerk of the town or city in which he resides, if he is a candidate for a town or city or ward office, and copies thereof with the prosecuting attorney for the county in which said candidate resides, respectively, an itemized statement in

writing, which statement shall be subscribed and sworn to by such candidate before any officer authorized to administer oaths, upon the blank form therefor provided for by this act, setting forth in detail, with accurate items of dates, persons and amounts, all sums of money, services and things of value received, contributed, disbursed, expended or promised by him, and of all moneys borrowed by him or loaned and advanced to him, and debts and pecuniary obligations of every kind incurred by him, and to the best of his knowledge and belief by any other person or persons in his behalf, wholly or in part, in endeavoring to secure, or in any way in connection with, his nomination or election to such office or place, or in connection with the election of any other persons at said election, and showing the dates when and the persons from whom the same were received and the purpose or object for which the same were received and the persons to whom and the purpose for which all such sums were paid, expended or promised, and including therein a statement of all personal expenses authorized by this act, and all existing debts and unfulfilled promises of every character and all liabilities remaining uncanceled, unperformed and in force at the time such statement is made, whether such expenditures, debts, promises and liabilities were made or incurred before, during or after such election. Such statement shall also set forth that the same is as full and explicit as affiant is able to make it. If no money or other valuable thing was given, paid, expended, contributed or promised, and no unfulfilled liabilities were incurred by a candidate for public office to aid or promote his nomination or election or the election of his party candidates, he shall file a statement to that effect within the same time. It shall be unlawful for any candidate, or treasurer of a political committee, or person acting as such treasurer, to disburse money received from any anonymous source.

SEC. 4. It shall be unlawful to administer the oath of office or to issue a commission or certificate of nomination or election to any person elected to any public office until he has filed an account as required by this act, and no such person shall enter upon the duties of his office until he has filed such account, nor shall he receive any salary for any period prior to the filing of the same and no certificate of election shall be issued to any candidate who has expended an amount in excess of the amount provided herein, or whose statement shows unlawful expenditure.

SEC. 5. All such accounts shall be open to public inspection in the offices where they are filed and shall be carefully preserved there for a period of one year, and it shall be the duty of the officers having custody of the same to give certified copies in like manner as of other public records.

SEC. 6. No publisher of a newspaper or other periodical shall insert, either in its advertising or reading columns, any paid matter which is designed or tends to aid, injure or defeat any candidate or political party or organization, or measure before the people, unless it is stated therein that it is a paid advertisement. No person shall pay the owner, editor, publisher or agent of any newspaper or other periodical to induce him to editorially advocate or oppose any candidate for nomination or election, and no such owner, editor, publisher or agent shall accept such payment. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor.

SEC. 7. No person and no political committee shall demand, solicit, ask or invite any payment or contribution or promise of payment for any political, charitable or other cause or organization which is or which purports or is represented to be primarily or principally for the public good from a person who seeks to be or has been nominated or elected to any office; and no such candidate or elected person shall make any such payment or contribution if it shall be demanded, solicited, asked or invited during the time he is a candidate for nomination or election to or an incumbent of any office. No payment or contribution for any purpose shall be made a condition precedent to the putting of a name on any caucus or convention ballot or nominating paper or petition, or to the performance of any duty imposed by law on a political committee. No person shall demand, solicit, ask or invite any candidate to subscribe to the support of any club or organization, to buy tickets to or privileges or any interest in any entertainment, ball, or plan, scheme or enterprise, or to subscribe for or pay for space in any book, program, periodical or other publication; if any candidate shall make any such payment or contribution with intent to influence the result of the election, he shall be deemed guilty of a corrupt practice: Provided, That this section shall not apply to the soliciting of any business advertisement for insertion in a periodical in which such candidate was regularly advertising prior to his candidacy nor to ordinary business advertising nor to his regular payment to any organization, religious, charitable or otherwise of which he may have been a member, or to which he may have been a contributor, for more than six months before his candidacy, nor to ordinary contributions at church services.

SEC. 8. It shall be unlawful to write, print or circulate through the mails or otherwise, any letters, circulars, bills, placards or posters relating to any election, or to any candidate at any election, unless the same shall bear on its face the name and address of the author and of the printer and publisher thereof; and any person writing, printing, publishing, circulating, posting, or causing to be written, printed, circulated, posted or published any such letter, bill, placard, circular or poster as aforesaid, which fails to bear on its face the name and address of the author and of the printer or publisher, shall be guilty of an illegal practice, and shall, on conviction thereof, be punished by a fine of not less than ten dollars nor more than one thousand dollars. If any letter, circular, poster, bill, publication or placard shall contain any false statements or charges reflecting on any candidates' character, morality or integrity, the author thereof and every person printing or knowingly assisting in the circulation thereof shall be guilty of political criminal libel, and upon conviction thereof may be punished by imprisonment in the penitentiary for not more than three years. If the person charged with such crime shall prove on his trial that he had reasonable ground to believe such charge was true and did believe it was true and that he was not actuated by malice in making such publication, it shall be a sufficient defense to such charge.

SEC. 9. Terms used in this act shall be used as follows, unless other meaning is clearly apparent from the language or context, or unless such construction is inconsistent with the manifest intent of the law:

"Candidate" shall apply to any person whose name is printed on an

official ballot for public office, or whose name has been presented for public office, with his consent, for nomination or election;

"Political committee" or "committee" shall apply to every combination of two or more persons who shall aid or promote the success or defeat of a candidate, or a political party or principle or measure, and the provisions of law relating thereto shall apply to any firm or partnership, to any corporation, and to any club, organization, association or other combination of persons, whether incorporated or not, with similar purposes, whether primary or incidental;

"Public office" shall apply to any national, state, county or city, village or town office which is filled by the voters of this state, as well as to the office of presidential elector and United States senator.

"Town" shall apply to incorporated towns as well as to townships;

"Political party" shall apply to the state or any political division thereof, and shall include a party which at the general election next preceding a primary or election polled more than two per cent of the entire vote cast in the state, county, congressional, senatorial, city, village, town, township or school district, as the case may be, according to the office to be filled therein or thereby.

SEC. 10. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed: Provided, That the repeal of such acts or parts of acts, or any of them, shall not be construed to affect any offense committed, or any prosecution or proceeding instituted or pending under the laws so repealed.

Unanimous consent being obtained,

Mr. Taylor moved to discharge the Committee on Cities and Villages from the further consideration of

Senate bill No. 12, entitled

A bill to amend section 20 of Act No. 279 of the Public Acts of 1909, entitled "An act to provide for the incorporation of cities and for changing their boundaries," as amended by Act No. 203 of the Public Acts of 1911.

The motion prevailed, a majority of the Senators-elect voting therefor.

Mr. Taylor moved that the rules he suspended and that the bill be placed on the order of Third Reading of Bills.

The motion prevailed, two-thirds of the Senators present voting therefor.

Unanimous consent being obtained,

Mr. F. D. Scott moved to discharge the Committee on Fisheries from the further consideration of

House bill No. 25, entitled

A bill to amend sections 1 and 4 of Act No. 111 of the Public Acts of 1889, as amended, entitled "An act to protect fish and to regulate fishing in the waters of this state, by providing close seasons for certain kinds of fish, by prohibiting the catching of fish in certain specified ways, by prohibiting the catching of fish of certain sizes and in certain waters and for certain purposes, by prohibiting the catching and killing in the lakes, rivers and streams of this state of more than a cer-

tain number of certain specified kinds of fish in any one day, by prohibiting the taking away and having possession of more than a certain number of such fish at any point away therefrom, by prohibiting the obstruction of the free passage of fish, and by prohibiting the sale of certain kinds of fish, to protect persons engaged in fish culture, and to repeal inconsistent acts," the same being Compiler's sections 5861 and 5864 of the Compiled Laws of 1897;

The motion did not prevail, a majority of the Senators-elect not voting therefor.

By unanimous consent the Senate returned to the order of

THIRD READING OF BILLS.

Senate substitute for House Bill No. 11 (file No. 11), entitled

A bill to regulate and limit nomination and election expenses; to define and prevent corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot, and to require accounts of nomination and election expenses to be filed, and providing penalties for the violation of this act.

Was read a third time and not passed, a majority of the Senators-elect not voting therefor, by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. Lee	Mr. Taylor	Mr. Ward	
Conley	Mapes	Vanderwerp	Watkins	
James	Miller	Vaughan	Weter	
Kingman	Scott, F. D.	Walter		15

NAYS.

Mr. Collins	Mr. Foster	Mr. Moriarty	Mr. Murtha	4
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Mr. F. D. Scott moved to reconsider the vote by which the Senate failed to pass the bill.

The motion prevailed.

Mr. F. D. Scott moved that the bill be laid on the table.

The motion prevailed.

Senate bill No. 12, entitled

A bill to amend section 20 of Act No. 279 of the Public Acts of 1909, entitled "An act to provide for the incorporation of cities and for changing their boundaries," as amended by Act No. 203 of the Public Acts of 1911.

Was read a third time and passed, a majority of the Senators-elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Barnaby	Mr. Foster	Mr. Moriarty	Mr. Vaughan	
Bradley	James	Murtha	Walter	
Cartier	Kingman	Scott, F. D.	Ward	
Collins	Lee	Taylor	Watkins	
Conley	Mapes	Vanderwerp	Weter	20

NAYS.

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The title of the bill was agreed to.

By unanimous consent the Senate returned to the order of

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
April 4, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to retransmit to the Senate the following concurrent resolution:

House resolution No. 21.

Resolved by the House of Representatives (the Senate concurring), That from and after 12 o'clock noon on Friday, April 5, 1912, the two houses of the Legislature shall transact no other business than for the President of the Senate and the Speaker of the House of Representatives to sign enrolled bills for presentation to the Governor, and the entry of the same on the Journal by the Secretary of the Senate and the Clerk of the House of Representatives, and the date of final adjournment of the Legislature shall be on Wednesday, April 10, 1912, at 12 o'clock noon;

To which the Senate made the following amendment:

Amend by striking out the words and figure "Friday, April 5," and inserting in lieu thereof the words and figure "Thursday, April 4."

And now to inform the Senate that in the adoption of said amendment the House refuses to concur.

Very respectfully,

CHARLES S. PIERCE,
Clerk of the House of Representatives.

Mr. Mapes moved that the Senate recede from its amendment to the resolution.

The motion prevailed.

The question being on concurring in the adoption of the resolution, The resolution was adopted.

Mr. Mapes moved that when the Senate adjourns today, it stand adjourned until to-morrow at 11 o'clock a. m.

The motion prevailed.

By unanimous consent the Senate returned to the order of

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was received and read:

State of Michigan, Executive Office,
Lansing, April 4, 1912.

To the Forty-sixth Legislature of the State of Michigan:

Gentlemen—The Legislature is authorized to consider and pass a bill to amend section 18 of Act No. 275 of the Public Acts of 1911, entitled "An act to provide for the protection of game and birds, to regulate the

taking, possession, use and transportation of the same, to prohibit the sale thereof, to regulate the manner of hunting, pursuing and killing of game or birds, to provide a penalty for the violation of any of the provisions of this act, and to repeal inconsistent acts and parts of acts." The amendment proposed is designed to provide a closed season on quail.

This message is in response to House resolution No. 28, requesting the same.

Respectfully submitted,

CHASE S. OSBORN,
Governor.

The message was ordered spread upon the Journal.

By unanimous consent the Senate returned to the order of

MOTIONS AND RESOLUTIONS.

Mr. Cartier offered the following resolution:

Senate resolution No. 20.

Resolved, That the Secretary of the Senate be and is hereby directed to compile and prepare for publication, make indices to and superintend the publication of the Journals and documents of the present special session of the Senate, and the said Secretary shall be entitled to receive for said work and such other services as may be necessary in closing up the work of the session the sum of \$200, which sum shall be paid in the manner prescribed by sections 14 and 17 of the Compiled Laws of 1897, relative to the payment of expenses authorized to be incurred by the Legislature.

Pending the reference of the resolution to a committee, under the last clause of Rule 17,

Mr. Cartier moved that the rule be suspended and that the resolution be placed on its immediate consideration.

The motion prevailed, two-thirds of the Senators present voting therefor.

The question then being on the adoption of the resolution,

The resolution was adopted.

Mr. Foster offered the following resolution:

Senate resolution No. 21.

Whereas, The Senate has learned with deep regret, of the decease on Thursday last, of Mrs. Mary Ann Ward, the mother of our esteemed friend and fellow Senator, Newton O. Ward, at the ripe age of eighty-eight years; therefore be it

Resolved, That the Senate tenders its heartfelt sympathy to Senator Ward in this his bereavement, and trust that the fact that while his mother had been spared to him for so great a length of time, he will be able to realize that what is his loss is her gain.

Resolved, That a copy of this resolution be presented to Senator Ward.

The resolution was unanimously adopted.

Mr. Cartier offered the following resolution:

Senate resolution No. 22.

Resolved by the Senate (the House of Representatives concurring), That when the two houses of the legislature adjourn Friday, April 5, they stand adjourned until Wednesday, April 10, at 11:45 a. m.

The resolution was adopted.

Unanimous consent being obtained,

Mr. James moved to take from the table Senate Substitute for House bill No. 11 (file No. 11), entitled

A bill to regulate and limit nomination and election expenses; to define and prevent corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot, and to require accounts of nomination and election expenses to be filed, and providing penalties for the violation of this act.

The motion prevailed.

The bill having been read a third time and the question being on the passage thereof.

The bill was then passed, a majority of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby
Bradley
Conley
James
Kingman

Mr. Kline
Lee
Mapes
Miller

Mr. Scott, F. D.
Taylor
Vanderwerp
Vaughan

Mr. Walter
Ward
Watkins
Weter

17

NAYS.

Mr. Collins

Mr. Foster

Mr. Moriarty

3

The title of the bill was agreed to.

Mr. Conley moved that the Senate take a recess until 3:15 o'clock p. m.

The motion prevailed, the time being 3 o'clock p. m.

AFTER RECESS.

3 o'clock p. m.

The Senate was called to order by the President.

A quorum of the Senate was present.

Unanimous consent being obtained,

Mr. Walter moved to take from the table

Senate bill No. 11, entitled

A bill to amend section 3 of Act No. 213 of the Public Acts of 1909, entitled "An act to regulate the taking of fish in the waters of Lakes Superior, Michigan, Huron, and Erie, the bays thereof, and the connect-

ing waters between said lakes within the jurisdiction of this State, and to regulate the transportation, sale and possession of fish taken from said waters," approved June 2, 1909; relative to the mode of determining the size of the mesh of the nets used therein.

The motion prevailed.

The question being on concurring in the amendment made to the bill by the House.

Mr. Collins demanded the yeas and nays.

The Senate then did not concur, a majority of the Senators-elect not voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby Cartier Conley	Mr. James Kingman Kline	Mr. Lee Mapes Scott, F. D.	Mr. Vanderwerp Walter	11
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NAYS.

Mr. Collins	Mr. Miller	Mr. Moriarty	3
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My unanimous consent the Senate returned to the order of

MESSAGES FROM THE HOUSE.

The following message from the House was received and read:

House of Representatives,
April 4, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to return to the Senate the following concurrent resolution:

Senate resolution No. 22.

Resolved by the Senate (the House of Representatives concurring), That when the two Houses of the legislature adjourn Friday, April 5, they stand adjourned until Wednesday, April 10, at 11:45 a. m.

In the adoption of which the House has concurred.

Very respectfully,

CHARLES S. PIERCE.

Clerk of the House of Representatives.

The following message from the House was also received and read:

House of Representatives,
April 4, 1912.

To the President of the Senate:

Sir:—I am instructed by the House to transmit the following bill:

House bill No. 26, entitled

A bill to amend Section 18 of Act No. 275 of the Public Acts of 1911, entitled "An act to provide for the protection of game and birds, to regulate the taking, possession, use and transportation of the same, to prohibit the sale thereof, to regulate the manner of hunting, pursuing and killing game or birds, to provide a penalty for the violation of any of the provisions of this act, and to repeal inconsistent acts and parts of acts;"

And to inform the Senate that the bill has passed the House.
In this action of the House the concurrence of the Senate is respectfully asked.

Very respectfully,
CHARLES S. PIERCE,
Clerk of the House of Representatives.

The bill was read a first and second time by its title and pending its reference to a committee,

Mr. Watkins moved that the rules be suspended and that the bill be placed on its immediate passage.

The motion prevailed, two thirds of the Senators present voting therefor.

The bill was then read a third time and passed, a majority of the Senators-elect voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. Kline	Mr. Miller	Mr. Vanderwerp	
Collins	Lee	Moriarty	Walter	
Conley	Leidlein	Scott, F. D.	Watkins	
James	Mapes	Taylor	Weter	
Kingman				17

NAYS.

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The title of the bill was agreed to.

Messrs. Conley, Leidlein, Kingman, F. D. Scott and Vaughan asked and obtained leaves of absence for themselves from tomorrow's session.

Mr. Weter moved that the Senate take a recess until 3:40 o'clock p. m.
The motion prevailed, the time being 3:30 o'clock p. m.

AFTER RECESS.

3:40 o'clock p. m.

The Senate was called to order by the President.
A quorum of the Senate was present.

The President announced that should an important business engagement prevent his attendance at the session of the Senate tomorrow, he would designate Senator Moriarty acting president for the day.

Mr. F. D. Scott moved that the Senate adjourn.
The motion prevailed.

The President declared the Senate adjourned until tomorrow at 11 o'clock a. m.

ELBERT V. CHILSON,
Secretary of the Senate.

ELEVENTH DAY,

Lansing, Friday, April 5, 1912.

11 o'clock a. m.

The Senate met pursuant to adjournment and was called to order by Acting-President Moriarty as designated yesterday by the President of the Senate.

The roll of the Senate was called by the Secretary.

The following Senators were present: Messrs. Collins, Foster, James, Lee, Mapes, Taylor, Walter, and the Acting-President—8.

The following Senators were absent with leave: Messrs. Conley, Kingman, Kline, Leidlein, Miller, F. D. Scott, Vaughan, Ward, White and Wiggins—10.

The following Senators were absent without leave: Messrs. Barnaby, Bradley, Cartier, Fowle, Freeman, Murtha, Newton, Putney, Rosenkrans, G. G. Scott, Snell, Vanderwerp, Watkins and Weter—14.

The Secretary announced that there was not a quorum of the Senate present.

The hour of twelve o'clock noon having arrived,

The Acting-President declared the Senate adjourned until Wednesday, April 10, next, at 11:45 o'clock a. m.

ELBERT V. CHILSON,
Secretary of the Senate.

TWELFTH DAY.

Lansing, Wednesday, April 10, 1912.

11:45 o'clock a. m.

The Senate met pursuant to adjournment and was called to order by the President.

The roll of the Senate was called by the Secretary.

The following Senators were present: Messrs. Bradley and Walter.

ANNOUNCEMENTS FROM THE SECRETARY.

The Secretary announced that the following bills had been printed and that they were presented to the Governor for approval, April 9:

Senate bill No. 1 (file No. 1, enrolled No. 2);

Senate bill No. 13 (enrolled No. 3);

Senate bill No. 15 (enrolled No. 4).

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was received and read:

State of Michigan, Executive Office,

Lansing, April 10, 1912.

To the President of the Senate:

Sir:—I have this day approved, signed and deposited in the office of the Secretary of State

Senate bill No. 1 (enrolled No. 2), being

An act to amend section two of act number three hundred thirteen of the Public Acts of eighteen hundred eighty-seven, entitled "An act to provide for the taxation and regulation of the business of manufacturing, selling, keeping for sale, furnishing, giving or delivering spirituous and intoxicating liquors, and malt, brewed or fermented liquors and vinous liquors in this State, and to repeal all acts or parts of acts inconsistent with the provisions of this act," as amended by act number two hundred ninety-one of the Public Acts of nineteen hundred nine, and by act number one hundred seventy of the Public Acts of nineteen hundred eleven, said amended section being compiler's section five

thousand three hundred eighty of the Compiled Laws of eighteen hundred ninety-seven;

Also:

Senate bill No. 13 (enrolled No. 3), being

An act to amend sections one and four and to repeal section three of act number fifty-nine of the Public Acts of nineteen hundred nine, entitled "An act to prohibit the taking, catching or killing of certain species of bass during certain months of the year; to provide a penalty therefor, and to repeal all acts or parts of acts inconsistent herewith;"

Also:

Senate bill No. 15 (enrolled No. 4), being

An act to authorize the board of supervisors of each county to appropriate or raise money by tax for the encouragement of improved methods of farm management and practical instruction and demonstration in agriculture.

Very respectfully,
CHASE S. OSBORN,
Governor.

The President directed that the message be spread upon the Journal.

The hour of 12 o'clock noon having arrived,
Mr. Walter moved that the Senate adjourn.
The motion prevailed.

The President, in accordance with the resolution fixing the date of final adjournment, and in accordance with the provisions of the constitution determining the hour of such adjournment, declared the Senate adjourned without date.

ELBERT V. CHILSON,
Secretary of the Senate.

EXECUTIVE JOURNAL.

PROCEEDINGS OF THE SENATE IN EXECUTIVE SESSION.

Lansing, Wednesday, March 27, 1912.

2:10 o'clock p. m.

The Sergeant-at-Arms announced that the Senate had been prepared for the executive session.

REPORTS OF STANDING COMMITTEES.

By the Committee on Executive Business.

The Committee on Executive Business to which was referred the following recess appointments to office by the Governor:

Board of Control of College of Mines.

Lucius L. Hubbard, Painesdale, Houghton County, appointed June 9, 1911, to succeed himself, for the term ending June 9, 1917.

Murray M. Duncan, Ishpeming, Marquette County, appointed June 9, 1911, to succeed himself, for the term ending June 9, 1917.

Commissioner of Labor.

Perry F. Powers, Cadillac, Wexford County, appointed July 1, 1911, to succeed R. H. Fletcher, for the term ending June 30, 1913.

Board of Health of City of Detroit.

Samuel T. Douglas, Detroit, appointed March 1, 1912, to succeed himself, for term ending February 28, 1916.

Board of Control of Lapeer Home for Feeble-Minded and Epileptic.

O. L. Millard, Hersey, Osceola County, appointed July 1, 1911, to succeed H. Kitchell, for the term ending January 31, 1915.

A. E. Meigs, Detroit, Wayne County, appointed July 6, 1911, to succeed J. S. Weidman, for the term ending January 31, 1915.

Norman Flowers, Jackson, Jackson County, appointed October 3, 1911, to succeed M. J. Murphy, for the term ending January 31, 1915.

Board of Guardians of Industrial Home for Girls.

Rolla C. Taylor, Adrian, Lenawee County, appointed May 24, 1911, to succeed himself, for the term ending May 31, 1917.

State Board of Health.

Edward Abrams, Houghton, Houghton County, appointed July 19, 1911, to succeed Geo. S. Harrington, for the term ending January 31, 1915.

Board of Trustees of Ionia State Hospital.

C. H. Gibson, Greenville, Montcalm County, appointed December 5, 1911, to succeed James W. Belknap, for the term ending January 31, 1913.

Jury Commissioners for Wayne County.

Duncan E. Graham, Detroit, appointed May 24, 1911, to succeed J. B. Greenberg, for the term ending April 30, 1917.

State Board of Library Commissioners.

David E. Heineman, Detroit, Wayne County, appointed June 8, 1911, to succeed himself, for the term ending June 7, 1915.

W. Millard Palmer, Grand Rapids, Kent County, appointed June 27, 1911, to succeed F. J. Baldwin, for the term ending June 7, 1915.

State Live Stock Sanitary Commission.

H. H. Halladay, Clinton, Lenawee County, appointed July 10, 1911, to succeed C. A. Tyler, for the term ending second Monday in July, 1917.

Mackinac Island State Park Commission.

Alfred O. Jopling, Marquette, Marquette County, appointed June 22, 1911, to succeed himself, for term ending June 21, 1921.

State Board of Registration of Nurses.

Susan Fisher Apted, Grand Rapids, Kent County, appointed March 1, 1912, to succeed Elizabeth G. Flaws, for the term ending July 31, 1912.

Board of Trustees of Newberry State Hospital.

Thomas Conlin, Crystal Falls, Iron County, appointed March 1, 1912, to succeed J. C. Kirkpatrick, for the term ending second Monday in February, 1917.

Board of Registration and Examination in Osteopathy.

T. L. Herroder, Detroit, Wayne County, appointed May 12, 1911, to succeed E. F. Ashmore, for the term ending April 30, 1916.

Michigan Board of Pharmacy.

E. E. Faulkner, Delta, Barry County, appointed January 1, 1912, to succeed William A. Dohaney, for the term ending December 31, 1916.

Board of Trustees of Pontiac State Hospital.

C. W. Hitchcock, Detroit, Wayne County, appointed September 11, 1911, to succeed William G. Malcomson, for the term ending second Monday in February, 1913.

Board of Trustees of State Sanatorium.

Henry J. Hartz, Detroit, Wayne County, appointed September 1, 1911, to succeed himself, for the term ending August 31, 1917.

George Barnes, Howell, Livingston County, appointed September 14, 1911, to succeed George W. Teeple, for the term ending August 31, 1917.

State Board of Tax Commissioners.

William B. Mershon, Saginaw, Saginaw County, appointed January 1, 1912, to succeed James H. Thompson, for the term ending the first

Wednesday in January, 1913, reappointed for the same term March 18, 1912.

State Veterinarian.

Ward Giltner, Lansing, Ingham County, appointed July 10, 1911, to succeed himself, for term ending second Monday in July, 1913.

Respectfully reports that it has had the same under consideration, and recommends that the Senate advise and consent to the said appointments to office.

OTTO FOWLE,
Chairman.

The report was accepted.

Mr. Fowle moved that the Senate advise and consent to the foregoing appointments to office, and that the vote be taken on the list of appointments collectively.

The motion prevailed.

The Senate then advised and consented to the said appointments to office, a majority of the Senators present voting therefor by yeas and nays as follows:

YEAS.

Mr. Barnaby	Mr. James	Mr. Newton	Mr. Vaughan	
Bradley	Kingman	Putney	Walter	
Cartier	Kline	Rosenkrans	Ward	
Collins	Lee	Scott, F. D.	Watkins	
Conley	Leidlein	Scott, G. G.	Weter	
Foster	Mapes	Snell	White	
Fowle	Moriarty	Taylor	Wiggins	
Freeman	Murtha	Vanderwerp		31

NAYS.

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Mr. Fowle moved that the executive session close.

The motion prevailed, the time being 2:20 o'clock, p. m.

Lansing, Michigan, March 28, 1912.

5:40 o'clock p. m.

The Sergeant-at-Arms announced that the Senate Chamber had been prepared for the executive session.

REPORTS OF STANDING COMMITTEES.

By the Committee on Executive Business:

The Committee on Executive Business to which was referred the following recess appointment and nomination to office by the Governor:

Advisory Board in the Matter of Pardons.

D. N. Travis, Flint, Genesee County, appointed December 27, 1911, to succeed F. J. Russell, for the term ending December 31, 1917.

Board of Registration and Examination in Osteopathy.

Robert E. McGavock, of Saginaw, Saginaw County, to succeed Glen Hicks, resigned, for the term ending April 30, 1912.

Respectfully reports that it has had the same under consideration, and recommends that the Senate advise and consent to the said recess appointment and nomination to office.

OTTO FOWLE,
Chairman.

The report was accepted.

Mr. Fowle moved that the Senate advise and consent to the foregoing recess appointment and nomination to office and that the vote on said appointment and nomination be taken collectively.

The motion prevailed.

The Senate then advised and consented to the foregoing recess appointment and nomination to office, a majority of the Senators present voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Barnaby	Mr. Lee	Mr. Scott, F. D.	Mr. Ward
Bradley	Leidlein	Scott, G. G.	Watkins
Cartier	Mapes	Snell	Weter
Collins	Miller	Taylor	White
Conley	Newton	Vanderwerp	Wiggins
Fowle	Rosenkrans	Walter	President pro tem
James			25

NAYS.

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Mr. Fowle moved that the Executive Session close.

The motion prevailed, the time being 5:45 o'clock p. m.

CERTIFICATE.

Lansing, April 10, 1912.

I hereby certify that the foregoing is a correct Journal of the proceedings of the Senate of the Legislature of Michigan in second special session, March 20 to April 10, 1912.

ELBERT V. CHILSON.

Secretary of the Senate.

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INDEX.

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 - II. History of all bills introduced in the Senate (and concurrent resolutions for amending the constitution).
 - III. History of all bills (and concurrent resolutions for amending the constitution) received from the House of Representatives.
 - IV. History of resolutions introduced in the Senate.
 - V. Senate history of all resolutions received from the House of Representatives.
 - VI. General index of the Senate journal.
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PART I.

Index of subjects treated in bills (and concurrent resolutions for amending the constitution) introduced in the Senate or received from the House of Representatives.

(The references are to bill numbers. A number with no letter before it, indicates a Senate bill; the letter "H" before the number indicates that the bill was received from the House.)

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